



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 46]

नई दिल्ली, शनिवार, नवम्बर 11, 1972/कार्तिक 20, 1894

No. 46 NEW DELHI, SATURDAY, NOVEMBER 11, 1972/KARTIKA 20, 1894

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) by Central Authorities (other than the Administration of Union Territories)

ELECTION COMMISSION OF INDIA

New Delhi, the 29th September, 1972

ORDER

S.O. 3824.—WHEREAS the Election Commission is satisfied that Shri Hunta Ram S/o Shri Dhiru Ram, Village Ramgarh Ujalwas, Tehsil Nohar, District Ganganagar, Rajasthan, a contesting candidate for general elections to the House of the people from 3-Jhunjhunu Parliamentary Constituency, held in March, 1971, has failed to lodge the account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. AND WHEREAS the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

3. NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hunta Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/3/71]

By Order,

B. N. BHARDWAJ, Secy.

भारत निर्वाचन आयोग

नई दिल्ली, 29 सितम्बर, 1972

आदेश

क्र० धा० 3824.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च 1971 में हुए लोक सभा के साधारण निर्वाचन के लिए 3-झुंझुनू निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हुणता राम सुपुत्र श्री धीराराम, ग्राम रामगढ़, उज्जलवास, नोहर तहसील, गंगानगर जिला, राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951 तथा संबंधित बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, उसे सम्मक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण प्रयत्न न्यायोजित नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हुणता राम को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रयत्न विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-क्र० सं०/3/71]

आदेश है,

बी० एन० भारद्वाज, सचिव

New Delhi, the 28th September, 1972

ORDER

S.O. 3825.—WHEREAS the Election Commission is satisfied that Shri Zainul Abaidin, R/o village Barwadih, P.O. Pathalgadda, District Hazaribagh (Bihar), a contesting candidate for bye-election held in 1970 to the Bihar Legislative Assembly from 269-Chatra Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the people Act, 1951, and the Rules made thereunder;

2. AND WHEREAS, the said candidate even after due notices has not given by reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Zainul Abaidin, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/269/71-Bye(1)]

V. NAGASUBRAMANIAN, Secy.

नई दिल्ली, 28 सितम्बर, 1972

आदेश

का०आ० 3825.—जतः, निर्वाचन आयोग का समाधान हो गया है कि 1970 में आदेश हुए बिहार विधान सभा के उप-निर्वाचन के लिए 269 छतारा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जनुल अब्राहमीन, ग्राम बरवाडीह, पो० आ० पाथलगड़ा, जिला हजारीबाग (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तख्तीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और, यतः; उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण प्रस्तुत नहीं किया है; तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद् द्वारा उक्त श्री जनुल अब्राहमीन को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथमा विधान परिषद् के सदस्य चुने जाने और होने के लिये, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि०सं०/269/71-उप (1)]

वी० नागसुब्रमण्यन, सचिव

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

New Delhi, the 26th September, 1972

INCOME TAX

S.O. 3826.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961.

INSTITUTION

SOCIETY FOR PREVENTION OF HEART DISEASES AND REHABILITATION, BOMBAY.

No. 197 [F. No. 203/35/72-ITA. II]

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

नई दिल्ली, दिनांक 26 सितम्बर, 1972

आवक

का०आ० 3826.—सर्व साधारण की जानकारी के लिए एतद्द्वारा यह ज्ञापित किया जाता है कि निम्न वर्णित संस्था भारतीय वित्तिका अनुसंधान परिषद् विहित प्राधिकारी द्वारा आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) में प्रयोजनार्थों के लिए अनुमोदित की गई है।

संस्था

सोसाइटी फार प्रिवेंशन ऑफ हार्ट डिजीजेज एण्ड रीहबिलिटेशन, बम्बई।

सं० 197 (का० सं० 203/35/72-आई०टी० ए० II)

S.O. 3827.—In pursuance of the provisions of item (iv) of paragraph 13 of the Marged States (Taxation Concessions) Order 1949, read with clause (1) of sub-section (2) of Section 297 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Finance (Revenue Division) No. S.R.O. 1620, dated the 14th May, 1954 namely.

In the Table annexed to the said notification, the entries relating to S. No. 81 in Column 2, pertaining to the Palace known as Raj Mahal at Devgarh Baria, shall be omitted.

No. 198 [F. No. 219/3/70-ITA. II]

T. P. JHUNJHUNWALA, Dy. Secy.

का०आ० 3827.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 297 की उपधारा (2) के खंड (1) के साथ पठित संश्लिष्ट राज्य (कराधान रियायत) आदेश, 1949 के पैरा 13 की मध (iv) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार, भारत सरकार के अनुमूर्ष विन मंत्रालय (राजस्व प्रभाग) की अधिसूचना सं० का० वि० आ० 1620, तारीख 14 मई, 1954 में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थातः—

उक्त अधिसूचना के उपाखण्ड सारणी में, देवगढ़ बेरिया स्थित राज-महल नामक आसाय के संबंध में क्रम सं० 81 के स्तम्भ 2 में संश्लिष्ट प्रविष्टियों का शेष किया जाएगा।

सं० 198 का० [सं० 219/3/70-आई० टी० ए० II]

टी० पी० ज़ुनज़ुनवाला, उप-सचिव

New Delhi, the 10th October, 1972

INCOME TAX

S.O. 3828.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby authorises the following Officers who are Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act:

S/Shri

1. Ram Chandra Das
2. Manmatha N. Majumdar
3. Surya Kanta Das
4. Mohit Kumar Mukherjee
5. Atul Ch. Dey
6. Santi Kumar Banerjee
7. Manimoy Mukherjee
8. Narayan Ch. Majumdar
9. Ashok Maity
10. Bimal Bhattacharjee
11. Satyabrata Ghosh
12. Somesh Ch. Chatterjee
13. Amit Kumar Roy
14. Sunil Kumar Mitra
15. Satyandranath Roy
16. Sitangshu Sekhar Moitra
17. S. Mukherjee
18. J. N. Haldar.

2. This Notification shall come into force with immediate effect.

No. 199 [F. No. 404/74/72-ITCC]

B. NIGAM, Under Secy.

नई दिल्ली, दिनांक 10 अक्टूबर, 1972

आयकर

का० धा०— 3828 आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निम्नलिखित अधिकारियों को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उसमें अधिनियम के अधीन कर असुली अधिकारियों की शक्तियों का प्रयोग करने के लिए एनव'द्वारा प्राधिकृत करती है:—

जहाँ धो

1. रामचन्द्र दास।
2. मनमथ एन० मजुमदार।
3. सूर्य कान्त दास।
4. मोहित कुमार मुखर्जी।
5. असुल चन्द्र दे।
6. शान्ति कुमार बनर्जी

**(DEPARTMENT OF BANKING)
RESERVE BANK OF INDIA**

New Delhi, the 3rd November, 1972

S.O. 3830 :— An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 27th day of October 1972

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,25,96,000		Gold Coin and Bullion :—		
Notes in circulation	4593,58,04,000		(a) Held in India	182,53,11,000	
Total Notes issued		4619,84,00,000	(b) Held outside India	..	
			Foreign Securities	196,65,38,000	
			Total		379,18,49,000
			Rupee Coin		31,35,57,000
			Government of India Rupee Securities		4209,29,94,000
			Internal Bills of Exchange and other commercial paper		
Total Liabilities		4619,84,00,000	Total Assets		4619,84,00,000

7. मणिमय मुखर्जी
8. नारायण चन्द्र मजुमदार।
9. अशोक माइती।
10. बिमल भट्टाचार्य।
11. नत्थब्रत घोष।
12. सोमेश चन्द्र चटर्जी
13. अमित कुमार राय।
14. सुनील कुमार मित्रा।
15. सत्येन्द्र नाथ राय।
16. सितागंशु सेखर मेहता।
17. एस० मुखर्जी।
18. जे० एन० हलदर।

2. यह अधिसूचना तुरन्त प्रवृत्त होगी।

सं० 199 (फा० सं० 404/74/72-आई०टी०सी०सी०)

बी० निगम, अवर सचिव

New Delhi, the 4th November, 1972

STAMPS

S.O. 3829.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Standards Mills Company, Limited, Bombay, to pay consolidated stamp duty with which the Convertible Bonds Certificates of the value of two crores of rupees are chargeable under the said Act.

[No. 25/72-Stamp/F. No. 471/44/72-Cus. VII]

K. SANKARARAMAN, Under Secy.

नई दिल्ली, दिनांक 4 नवम्बर, 1972

स्टाम्प

का० धा० 3829.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, स्टैण्डर्ड मिल्स कम्पनी लिमिटेड, बम्बई को सम्भक्तित स्टाम्प शुल्क का, जो दो करोड़ रुपये मूल्य के संपरिवर्तनीय बंध प्रमाणपत्रों पर उसमें अधिनियम के अधीन प्रभावी है, भुगतान करने के लिए एनव'द्वारा अनुज्ञा देती है।

(सं० 25/72-स्टाम्प/का० न० 471/44/72-सीमा VII)

के० शंकरारामन, अवर सचिव

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 27th October 1972

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	26,25,96,000
		Rupee Coin	3,14,000
Reserve Fund	150,00,00,000	Small Coin	2,72,000
National Agricultural Credit (Long Term Operations) Fund	209,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	1,27,82,000
		(b) External	..
National Agricultural Credit (Stabilisation) Fund	45,00,00,000	(c) Government Treasury Bills	252,02,83,000
		Balances Held Abroad*	152,50,74,000
		Investments**	481,24,63,000
National Industrial Credit (Long Term Operations) Fund	175,00,00,000	Loans and Advances to :—	
		(i) Central Government	..
		(ii) State Governments @	37,77,00,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	6,72,95,000
		(ii) State Co-operative Banks††	210,34,22,000
(i) Central Government	53,47,61,000	(iii) Others	3,28,77,000
(ii) State Governments	10,55,92,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(a) Loans and Advances to :—	
(b) Banks		(i) State Governments	53,63,66,000
		(ii) State Co-operative Banks	21,01,98,000
(i) Scheduled Commercial Banks	281,39,84,000	(iii) Central Land Mortgage Banks	..
(ii) Scheduled State Co-operative Banks	10,95,91,000	(iv) Agricultural Refinance Corporation	7,00,00,000
(iii) Non-Scheduled State Co-op- erative Banks	1,01,21,000	(b) Investment in Central Land Mortgage Bank	10,87,75,000
(iv) Other Banks	27,27,000	Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	29,13,04,000
(c) Others	98,99,68,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	93,06,94,000
Bills Payable	59,57,00,000	(b) Investment in bonds/debentures issued by the Development Bank	..
Other Liabilities	321,68,42,000	Other Assets	35,68,71,000
Rupees	1421,92,86,000	Rupees	1421,92,86,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund.

†Includes Rs. 50,00,000/- advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

[No. F. 1/3/72-BOI]

Dated the 1st November 1972

S. JAGANNATHAN, Governor

(बैंकिंग विभाग)

रिजर्व बैंक ऑफ इंडिया

नई दिल्ली, 3 नवम्बर, 1972

का० आ० 3830:- रिजर्व बैंक ऑफ इंडिया, अधिनियम, 1934 के अनुसरण में अक्टूबर 1972 की 27 तारीख को समाप्त हुए मप्ताह के लिये लेखा
इशू विभाग

देयतायें	रुपये	रुपये	प्रास्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुये नोट	26,25,96,000		सोने का सिक्का और बुलियन :-		
			(क) भारत में रखा हुआ	182,53,11,000	
संचालन में नोट	4593,58,04,000		(ख) भारत के बाहर रखा हुआ	..	
			विदेशी प्रतिभूतियां	196,65,38,000	
जारी किये गये कुल नोट	4619,84,00,000		जोड़		379,18,49,000
			रुपये का सिक्का		31,35,57,000
			भारत सरकार की रुपया प्रति-		
			भूतियां		4209,29,94,000
			देशी बित्तिय बिल और		..
			दूसरे वाणिज्य-पत्र		
कुल देयतायें	4619,84,00,000		कुल प्रास्तियां		4619,84,00,000

27 अक्टूबर, 1972 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयतायें 1	रुपये 2	प्रास्तियां 3	रुपये 4
चुक्ता पूंजी	5,00,00,000	नोट	26,25,96,000
प्रारक्षित निधि	150,00,00,000	रुपये का सिक्का	3,14,000
राष्ट्रीय कृषि ऋण		छोटा सिक्का	2,72,000
(दोषकालीन क्रियायें) निधि	209,00,00,000	खरोबे और भुनाये गये बिल	
राष्ट्रीय कृषि ऋण		(क) देशी	1,27,82,000
(स्थिरीकरण) निधि	45,00,00,000	(ख) विदेशी	..
राष्ट्रीय औद्योगिक ऋण		(ग) सरकारी खजाना बिल	252,02,83,000
(दोषकालीन क्रियायें) निधि	175,00,00,000	विदेशों में रखा हुआ ऋण	152,50,74,000
जमाशिशियां :-		निवेश**	481,24,63,000
(क) सरकारी		ऋण और अधिम :-	
(i) केन्द्रीय सरकार	53,47,61,000	(i) केन्द्रीय सरकार को	..
(ii) राज्य सरकारें	10,55,92,000	(ii) राज्य सरकारों को (iii)	37,77,00,000
(ख) बैंक		ऋण और अधिम	
(i) अनुसूचित वाणिज्य बैंक	281,39,84,000	(i) अनुसूचित वाणिज्य बैंक को	6,72,95,000
(ii) अनुसूचित राज्य सहकारी बैंक	10,95,91,000	(ii) राज्य सहकारी बैंकों को (iii)	210,34,22,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	1,01,21,000	(iii) दूसरों को	3,28,77,000
(iv) ग्राम्य बैंक	27,27,000	राष्ट्रीय कृषि ऋण (दोषकालीन क्रियायें) निधि से	
		ऋण अधिम और निवेश	
		(क) ऋण और अधिम :-	
		(i) राज्य सरकारों को	53,63,66,000
		(ii) राज्य सहकारी बैंकों को	21,01,98,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को	..
		(iv) कृषि पुनर्गठित निगम को	7,00,00,000

1	2	3	4
(ग) धन्य	98,99,68,000	(ख) केन्द्रीय धूम्रपानक बैकों के डिबेंचरों में निवेश राष्ट्रीय कृषि ऋण (स्विकारण) निधि से ऋण और अग्रिम	10,87,75,000
वेय बिल	59,57,00,000	राज्य सहकारी बैकों को ऋण और अग्रिम राष्ट्रीय औद्योगिक ऋण (बीधकालीन क्रियायें) निधि से	29,13,04,000
अन्य वेयतायें	321,68,42,000	ऋण, अग्रिम और निवेश	
		(क) विकास बैंक को ऋण और अग्रिम	93,06,94,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिबेंचरों में निवेश	..
		अन्व भास्तियां	35,68,71,000
रुपये	1421,92,86,000	रुपये	1421,92,86,000

*नकदी, आबधिक जमा और चलपकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (बीधकालीन क्रियायें) निधि और राष्ट्रीय औद्योगिक ऋण (बीधकालीन क्रियायें) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (बीधकालीन क्रियायें) निधि से प्रवत ऋण और अग्रिम शामिल नहीं हैं।

†रिजर्व बैंक आफ इंडिया अधिनियम की धारा 17(4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मीयादी बिलों पर अग्रिम दिये गये 50,00,000/- रुपये शामिल हैं।

††राष्ट्रीय कृषि ऋण (बीधकालीन क्रियायें) निधि और राष्ट्रीय कृषि ऋण (स्विकारण) निधि से प्रवत ऋण और अग्रिम शामिल नहीं हैं।

[सं० फ० 1/3/72-बी० प्रो० I]

एस० जगन्नाथन, गवर्नर

दिनांक 1 नवम्बर, 1972

DELHI DEVELOPMENT AUTHORITY

NOTIFICATION

New Delhi, the 11th November, 1972

S.O. 3831.—WHEREAS the Delhi Development Authority has proposed to make following modifications in the Master Plan for Delhi:—

MODIFICATION

In paragraph 5, entitled "Provisions regarding requirements in Use Zones" occurring in section A (Zoning Regulations) of Chapter II of the text of the Master Plan dealing with the Zoning and Sub-Division Regulations—

(1) At page 55, against item "(b) plot coverage under the heading "Residential Use Zone", notes (1) and (2) shall be substituted by the following, namely:—

NOTE: The area to be covered need in no case be less than the permissible covered area for the largest size plot in lower category. For example, the area to be covered in a plot of 1028.44 sq. meter (1230 sq. yds.) will be 40 per cent of 1003.36 sq. meter (1,200 sq. yds.) i.e. 401.34 sq. meter (480 sq. yds.) and not 1/3rd of 1028.44 sq. meter (1,230 sq. yds.) which is only 342.81 sq. meter (410 sq. yds.)."

(2) At page 56 against the heading "(c) Floors" for the sentence "In individual plots, exceeding 167.23 sq. meters (200 sq. yds.) a two-storeyed building raised on stilts may be permitted, provided the enclosed area on the ground floor does not exceed 25 per cent of the permissible covered area on the first floor," the following sentence shall be substituted, namely:—

"In individual plots exceeding 167.23 sq. meter (200 sq. yds.) a building raised on stilts may be permitted provided the stilts floor shall be treated as one of the main floors of the building".

The proposed modifications having been published as notice No. S.O. 5121, dated the 13th November, 1971 at page 6026 of the Gazette of India, Part II Section 3—Sub-

section (ii) as required by sub-section (3) of section 11-A of the Delhi Development Act, 1957 (61 of 1957) inviting objections and suggestions;

AND WHEREAS the Delhi Development Authority has considered the objections and suggestions in regard to the modification mentioned above.

NOW THEREFORE, the Delhi Development Authority, in exercise of the power conferred by Sub-section (1) of section 11-A of the said Act hereby makes the above modifications in the said Master Plan for Delhi.

[No. F3(186)70-M.P.]

H. N. FOTEDAR, Secy.

दिल्ली विकास प्राधिकरण

प्रधिपूचना

नई दिल्ली, 11 नवम्बर, 1972

का०प्रा० 3831— यद्यपि दिल्ली विकास प्राधिकरण ने दिल्ली मुख्य योजना में निम्नलिखित संशोधन करने का प्रस्ताव किया है:—

संशोधन

मुख्य योजना के क्षेत्रीय तथा सब-क्षेत्रीय नियमों से संबंधित अध्याय के परिच्छेद II (क्षेत्रीय नियमों) की धारा ए में "यूज जोन्स की आवश्यकताओं के संबंध में व्यवस्थाओं" के शीर्षक के पैरा 5 में:—

(1) पृष्ठ 55 पर मद "(बी)" आवासीय उपयोग क्षेत्र के शीर्षक के अन्तर्गत भूखण्ड के लिये, नोट्स (1) तथा (2) को निम्न प्रकार रखा जायेगा:—

नोट:— निम्न श्रेणी में बड़े आकार के भूखण्ड के लिये स्वीकृत पटाख क्षेत्र में किसी भी स्थिति में पटाख क्षेत्र कम नहीं होना चाहिए। उदाहरणत: 1028.44 वर्गमी० (1230 वर्गज०) के भूखण्ड में 1003.36 वर्गमी० (1200 वर्गज०) का

पट्टा क्षेत्र 1003.36 ब०मी० (1200 ब० गज) का 40% होगा। प्रकीर्ण 401.34 ब०मी० (480 ब० गज) तथा माकि 1028.44 ब०मी० (1230 ब० गज) का 1/3 (तृतीय भाग) को केवल 342.81 ब०मी० (410 ब० गज) बनता है।"

(2) पृष्ठ 58 पर शीर्षक (सी) "मंजिल (फ्लोर)," के अन्तर्गत प्रत्येक भूखण्ड जिसका क्षेत्रफल 167.23 ब०मी० (200 ब० गज) से अधिक हो, स्तम्भों (स्टिप्टस) पर दो मंजिला भवन निर्माण की अनुमति दी जाये बशर्त कि गाउण्ड फ्लोर पर चिरा हुआ क्षेत्र पत्नी मंजिल के स्वीकृत पट्टा क्षेत्र के 25 प्रतिशत से अधिक ना हो" निम्नलिखित वाक्य को इस प्रकार रखा जायेगा।

"प्रत्येक भूखण्ड जो 167.23 ब० मी० (200 ब० गज) से अधिक हो उसमें स्तम्भों पर भवन निर्मित करने की अनुमति दी जाए। किन्तु इसके साथ शर्त यह होगी कि स्तम्भ स्थल (स्टिप्टस फ्लोर) को भवन की मुख्य मंजिलों में से एक मंजिल समझा जायेगा।"

तथा प्रस्ताविक संशोधन को नोटिस सं० एस ओ 5121 दिनांक 13-11-71 भारतीय गजट के पृष्ठ 6026 भाग II धारा 3 उपधारा (11) के अनुसार जो दिल्ली हबैल्पमेंट एक्ट 1957 (1957 का 61) की धारा 11-ए की उपधारा (3) के अन्तर्गत प्राप्ति तथा प्राप्त करने के लिए प्रकाशित किये गये हैं।

तथा यद्यपि दिल्ली विकास प्राधिकरण ने उक्त संशोधन के संबंध में आपत्तियों तथा सुझावों पर विचार किया है।

अतः अब दिल्ली विकास प्राधिकरण को उक्त एक्ट की धारा 11-ए की उपधारा (1) के अन्तर्गत प्रदत्त अधिकारों का उपयोग करते हुए दिल्ली मुख्य योजना (दिल्ली मास्टर प्लान) में उक्त संशोधन किया जाता है।

[एफ० (186) 3/70-एम०पी०]

एच० एन० कोलेवार, सचिव

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 21st October, 1972

S.O. 3832.—In exercise of the powers conferred by Article 258 (1) of the Constitution read with Section 21 of the General Clauses Act, 1897, the President hereby cancels the the notification No. EL.III-354(10), dated the 28th October, 1959.

[No. EL.II-4(5)/65]

M. RAMANATHAN, Dy. Director (Power).

सिंचाई और विद्युत मंत्रालय

नई दिल्ली, 28 अक्टूबर, 1972

क्र०सं० 3832 :—संविधान की धारा 258 (i) द्वारा, सामान्य धारा अधिनियम, 1897 के भाग 21 से साथ पठित, प्रवृत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति, अधिसूचना संख्या ई० एल०—सी०—354(10), दिनांक 28 अक्टूबर, 1959 को एतद्वारा रद्द करते हैं।

[सं० ई० एल० II-4(5)/65]

एम० रामनाथन, उपनिवेशक

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour Employment)

New Delhi, the 9th October, 1972

ORDER

S.O. 3833.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Prabhudayal Agarwalla Managing Contractors of Kedla Colliery, Post Office Kedla, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No.1), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the dismissal with effect from the 3rd December, 1971, of Shri Rampal employed as Register Keeper by Messrs Prabhudayal Agarwalla, Managing Contractor at Kedla Colliery, Post Office Kedla, District Hazaribagh was justified? If not, to what relief is the workman entitled to?"

[No.L/20012/21/72-LRII.]

अम और पुनर्वास मंत्रालय

(अम और रोजगार विभाग)

नई दिल्ली, 9 अक्टूबर, 1972

आवेद

क्र०सं० 3833.—वतः केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स प्रभुधयाल अग्रवाल, केवला कोलियरी के मैनेजिंग कान्ट्रैक्टर्स, बाकबर केवला, जिला हजारीबाग के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और वतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्दिष्ट करना संवैधानिक समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के चक (ब) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा को उक्त विवाद उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, (अध्या 1) अन्वय को न्यायनिर्णय के लिए निर्दिष्ट करती है।

अनुसूची

"क्या मैसर्स प्रभुधयाल अग्रवाल, केवला कोलियरी में मैनेजिंग कान्ट्रैक्टर, बाकबर केवला, जिला हजारीबाग द्वारा रजिस्टर कीपर के रूप में नियोजित—श्री रामजी रामपाल को, 3 दिसम्बर, 1971 से वधव्युत करना न्यायनिर्णय या ? यदि नहीं, तो कर्मकार किस अनुसोच का हकदार है ?

New Delhi, the 10th October, 1972

ORDER

S.O. 3834.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of B.R.Ramkanali Colliery, Post Office Katrasgarh, District Dhanbad, now under the management of Bharat Coking Coal Limited, and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication.

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No.1), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the action of the management of B.R. Ramkanali Colliery, Post Office Katrasgarh, District Dhanbad, now under the management of Bharat Coking Coal Limited in stopping the following workmen from work with effect from the 26th October, 1971, is justified? If not, to what relief are the concerned workmen entitled?

S.No.	Name of the workmen	Designation
1.	Shri Chatu Bauri	Quarry Miners.
2.	Shri Jagadish Bauri	-do
3.	Shri Dukhi Bauri	-do-
4.	Shri Anil Bauri	-do
5.	Shri Magan Bouri	-do-
6.	Shri Madan Bauri	-do-
7.	Shri Matul Bauri	-do-
8.	Shri Kamala Bauri	-do-
9.	Shrimati Kunti Kamin	Quarry Loader
10.	Shrimati Sumi Kamin	-do-
11.	Shrimati Gandhari Kamin	-do-
12.	Shrimati Upashi Kamin	-do-

II. Whether the action of the management of B.R.Ramkanali Colliery, Post Office Katrasgarh, District Dhanbad, now under the management of Bharat Coking Coal Limited in stopping Shri Badri Kumhar, Night Guard from work with effect from the 26th October, 1971 is justified? If not, to what relief is the concerned workmen entitled?"

[No.L/2012/46/72-LRII.]

नई दिल्ली, 10 अक्टूबर, 1972

आदेश

का० घा० 3834:—यतः केन्द्रीय सरकार की राय है कि इससे उपायध्व प्रभुसूची में विनिर्दिष्ट विषयों के बारे में बी० घार० रामकनाली कोलियरी, डाकघर कतरास, जिला धनबाद, जो इस समय भारत कोकिंग कोल लिमिटेड के प्रबंधन के अधीन है, के प्रबंधन से सम्बन्धित विवादों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

यतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, (संख्या 1) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

प्रभुसूची

"1. क्या बी० घार० रामकनाली कोलियरी, डाकघर कतरास, जिला धनबाद, जो इस समय भारत कोकिंग कोल लिमिटेड के प्रबंधन के अधीन है, के प्रबंधन की, 26 अक्टूबर, 1971 से, निम्नलिखित कर्मचारियों को काम से रोकने की कार्यवाही न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुसूच के हकदार हैं?"

क्र० सं०	कर्मकार का नाम	पदनाम
1.	श्री चतु बाउरी	खदान खनक
2.	श्री जगदीश बाउरी	यथोक्त
3.	श्री दुखी बाउरी	यथोक्त
4.	श्री अनिल बाउरी	यथोक्त
5.	श्री मगन बाउरी	यथोक्त
6.	श्री मदन बाउरी	यथोक्त
7.	श्री मतल बाउरी	यथोक्त
8.	श्री कमल बाउरी	यथोक्त
9.	श्रीमती कुन्ती कामिन	खदान सोडर
10.	श्रीमती सुमी कामिन	यथोक्त
11.	श्रीमती गन्धारी कामिन	यथोक्त
12.	श्रीमती उमाशी कामिन	यथोक्त

II. क्या बी० घार० रामकनाली कोलियरी, डाकघर कतरास, जिला धनबाद, जो इस समय भारत कोकिंग कोल लिमिटेड के प्रबंधन के अधीन है, के प्रबंधन की, 26 अक्टूबर, 1971 से, श्री बद्री कुम्हार, रात्रि चौकीदार को काम से रोकने की कार्यवाही न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुसूच का हकदार है?"

[सं० एल/2012/46/72—एल०घार०-II]

New Delhi, the 12th October, 1972

ORDER

S.O. 3835.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Lodna Colliery Company (1920) Limited, post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Govern-

ment Industrial Tribunal (No.1) Dhanbad constituted under section 7A of the said Act,

SCHEDULE

Whether the action of the management of Messrs Lodna Colliery Company, Post Office Jharia, District Dhanbad, in dismissing Shri Awadhesh Tiwary, Dust-in-charge, with effect from the 29th March, 1971 is justified? If not whether the workman has a claim to be taken back in service by Messrs Bharat Coking Coal Limited, Dhanbad, in whom now the management of Lodna Colliery vests? To what relief is the workman entitled to?

[No.L-2012/196/71-LR.II.]

नई दिल्ली, दिनांक 12 अक्टूबर, 1972

आदेश

का० आ० 3835:—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स लोदना कोलियरी कम्पनी (1920) लिमिटेड, डाकघर झरिया, जिला धनबाद, के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, (संख्या 1) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मैसर्स लोदना कोलियरी कम्पनी, डाकघर झरिया, जिला धनबाद के प्रबन्धतंत्र की, उस्ट-एजार्ज, श्री अवधेश तिवारी का 29 मार्च, 1971 से पदभ्युत करने की कार्यवाही न्यायोचित है? यदि नहीं, तो क्या कर्मकार का, भारत कोकिंग कोल लिमिटेड, धनबाद, जिस में अब लोदना कोलियरी निहित हो गई है, द्वारा वापस लिए जाने का दावा है? कर्मकार किस अनुतोष का हकदार है?

[संख्या एल०/2012/196/71—एल०आर०-2]

ORDER

S.O. 3836:—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Dhansar Colliery of Messrs The Pure Dhansar Coal Company, Post Office Dhansar, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government consider it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby

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refers the said dispute for adjudication to the Central Government Industrial Tribunal (No.2) Dhanbad constituted under section 7A of the said Act,

SCHEDULE

Whether the action of the management of Dhansar Colliery of Messrs Dhansar Coal Company, Post Office Dhansar, District Dhanbad in terminating the services of Shri Pokhan Singh, Trammer with effect from the 7th April, 1972, is justified? If not, to what relief is the workman entitled?

[No.L2012/75/72LR-II]

आदेश

का० आ० 3836:—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स धनसार कोल कम्पनी की धनसार कोलियरी, डाकघर धनसार, जिला धनबाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संख्या 2), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मैसर्स धनसार कोल कम्पनी की धनसार कोलियरी, डाकघर धनसार, जिला धनबाद के प्रबन्धतंत्र की, श्री पोखन सिंह, ट्रामर की सेवाओं को 7 अप्रैल, 1972 से समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?

[संख्या एल-2012/75/72—एल०आर०-2]

New Delhi, the 13th October, 1972

ORDER

S.O. 3837:—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Central Bank of India, in not allowing Shri S. K. Berry of Civil Lines Branch, Amritsar to work as Teller with effect from the 14th February, 1972 is justified? If not, to what relief is he entitled?

[No. L. 12012/87/72/LR.III]

दिनांक, 13 अक्टूबर, 1972

आदेश

कां.प्र. 3837—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सेन्ट्रल बैंक आफ इण्डिया से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (i) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, दिल्ली को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या सेंट्रल बैंक आफ इण्डिया के प्रबन्धतल की, श्री एस. के. जेरी, सिविल लाइन्स शाखा, अमृतसर को 14 फरवरी, 1972 से गणक के रूप में काम करते देने की कार्यवाही न्यायोचित है? यदि नहीं, तो वह किस अनुसूची का हकदार है?

[सं.एल. 12012/87/72/एल.प्र. 3]

करनैल सिंह, अवसर सचिव

The 1st November, 1972

S.O.3838.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Post Office Kothagudem (Andhra Pradesh) and their workmen, which was received by the Central Government on the 23rd October, 1972.

(AWARD)

[No. 7/29/68-LR.II.]

Karnail Singh, under Soy

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

Present : Shri P.S. Anath, B. Sc., B.L., Chairman,
Industrial Tribunal, (C),
Andhra Pradesh, Hyderabad.

Industrial Dispute No. 22 of 1969

BETWEEN

Workmen of Singareni Collieries Company Limited, Kothagudem.

AND

Management of Singareni Collieries Company Limited, Kothagudem.

APPEARANCES

Shri M. Komaraiah, General Secretary, Singareni Collieries Workers' Union.

Shri A. Lakshmana Rao, Advocate, for Andhra Pradesh Singareni Colliery Mazdoor Sangh.

Shri K. Srinivasa Murthy, Hony. Secretary, Federation of A.P. Chamber of Commerce and Industry for management.

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by its Order No. 7/29/68-LR II, dated 11-8-1969 referred the following dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act) for adjudication to this Tribunal, namely:—

"Having in view of the definitions of "Basic Wages" as per paragraphs 2(a) and 6 of Andhra Pradesh Coal Mines Bonus Scheme, 1952 and having in view of the recommendations of the Central Wage Board for Coal Mining Industry at Chapter XIII, whether the management of Singareni Collieries Company Limited, Kothagudem are justified in excluding wages for the sick leave of the employees for purpose of calculating quarterly bonus? If not to what relief are the workmen entitled?"

This reference was taken on file as Industrial Dispute No. 22 of 1969 and notices were issued to the parties. For the purpose of convenience the workmen of Singareni Collieries Company Limited, Kothagudem are referred to as the petitioners and the Singareni Collieries Company Limited, Kothagudem is referred to as the respondent in the course of this award.

2. Some of the petitioners are represented by Singareni Collieries Workers Union, Kothagudem and some are represented by Andhra Pradesh Singareni Colliery Mazdoor Sangh, Kothagudem and it is only these two Unions which have filed the claims statements. It is seen that some of the workers are also represented by Singareni Colliery Mazdoor Sangh, Kothagudem but no such Union has filed any claims statement.

3. The General Secretary of the Singareni Collieries Workers Union, Kothagudem (hereinafter referred to as the said Union) filed the claims statement contending as follows: The definition of Basic earnings under paragraph 2(b) and para 6 under heading amount of Bonus of the Andhra Pradesh Coal Mines Bonus Scheme 1952 means the total cash emoluments whether earned while on duty or while on leave with pay. The amount of bonus payable to an employee in respect of the quarter ending 30-9-1967 shall be 1/3rd of his basic earnings for work done in that quarter upto 14-8-1967 in a Coal Mine where he qualifies for bonus and ten per cent of this basic earnings for the subsequent period of the quarter, and the amount of bonus payable to an employee in respect of a quarter subsequent to the quarter ending 30-9-1967 shall be 10% of the basic earnings of the employee for work done in that quarter in the coal mines where he qualifies for bonus. The basic wage portion of wage paid to an employee for paid holidays and leave with wages in such period of quarter shall also count towards basic earnings for the purpose of calculation of bonus. This above definition of basic earnings is quite clear and unambiguous to show that leave with wages earned on sick leave does not fall under excluded category like allowances etc. The contention of the workmen is that the basic earnings earned by the workmen while they were on sick leave with pay should be treated as basic earnings for the purpose of calculation bonus under the Bonus Scheme. The words "work done" used in para 6 was wrongly interpreted by the management saying that the workmen have not done in that particular period when they were on sick leave with pay and so they are not entitled

to bonus on the basic earnings of the sick leave with pay. The management of Singareni Collieries Co. Ltd., in contravention of the above definition have been excluding the basic portion of the earnings earned by workmen while they were on sick leave with pay for the purpose of calculating bonus. The management issued circulars dated 17-6-1968 and 24-7-1968 stating that the basic portion of sick leave with pay should not be included for the purpose of calculating bonus and that the said clarification shall have retrospective effect and that the amounts already paid towards quarterly bonus on account of sick leave might be recovered. There are two sets of leaves granted to the workmen. Under one set of rules certain monthly paid workmen are granted 30 days privilege leave and 30 days sick leave and 10 days casual leave in a year and these privileges are in existence since 1949 and before. Under another set of rules other workmen both daily rated and monthly rated are given annual leave with wages known as earned leave under Mines Act. In addition, sick khoraki to the extent of 14 days was paid to them as per the Award of All India Industrial Tribunal (Colliery Disputes), as modified by the Labour Appellate Tribunal. Both sets of leave rules are in force since more than 15 years. The Coal Mines Bonus Scheme was in force from 1949 onwards and bonus was being calculated on the total basic earnings including sick leave with pay. The recommendations of the Central Wage Board for Coal Mining Industry have come into effect from 15-8-1967. In their recommendations under the heading "leave" they dealt with different kinds of leave including sick leave. In view of the clear cut expression in the Wage Board recommendations stating that all workmen shall be entitled to 15 days sick leave in the year on full pay or 30 days in a year on half pay and that the provisions for sick leave would replace the existing facilities of sick khoraki, the sick leave with pay granted to the workmen as per the Wage Board should be treated as leave with pay for the purpose of calculating bonus as defined in paragraph 2(b) of the Bonus Scheme. So the management should be directed to include the sick leave with pay in the total basic emoluments for the purpose of calculation of quarterly bonus.

4. The General Secretary of the Andhra Pradesh Singareni Colliery Mazdoor Sangh, Kothagudem (hereinafter referred to as the said Mazdoor Sangh) filed claims statement contending as follows:—The management of Singareni Collieries Company Limited has excluded the wages for sick leave of the employees for the purpose of calculating quarterly bonus immediately after the recommendations of the Wage Board were implemented by them unilaterally. The action of the management in not calculating the sick leave wages is illegal, unfair and contrary to the existing labour laws. The sick leave with wages is as per the recommendations of the Wage Board which is given to the workmen as a social amelioration and so it should be included in the quarterly bonus. Clause 2 of the Andhra Pradesh Coal Mines Bonus Scheme defines the basic earnings which means the total cash emoluments, whether earned while on duty or while on leave with pay as such the sick leave with wages comes under the definition of basic earnings and so it should be included in cash for the bonus payment. Even as per clause 6 of the Bonus Scheme it is clear that the sick leave wages could be taken into account for the purpose of bonus. Prior to the Wage Board recommendations the coal mines were getting sick khoraki which is now replaced by the wage board as sick leave with wages

and so it comes under the definition of the basic earnings. The action of the management in not taking into account the sick leave with wages for purpose of calculating quarterly bonus is most unfair and contrary to the provisions of the labour laws. So the management should be directed to include the sick leave with wages for calculating the quarterly bonus.

5. The respondent file a "counter" contending as follows: The Unions demand that the basic portion of the sick leave wages should be taken into account for the purpose of calculating Attendance Bonus is not justified. The Unions allegation that such a practice was in existence prior to the implementation of the Wage Board recommendations is denied. At no time in the history of the Collieries the basic portion of the sick leave wages was being added for the purpose of calculating Attendance Bonus. Prior to the abolition of the concessional supply of food grains in 1956 there was a practice in the Singareni Collieries for allowing certain free issue of rations and non-ration articles to the dependants of workers undergoing treatment in the Hospitals, the patient himself getting free diet. Consequent upon this stoppage, there was a request from the Unions that suitable relief should be allowed. As a result of protracted discussions, a Memo of settlement was arrived at on 14-2-1957. As per the settlement it was agreed that in all cases of in-patients they would be eligible for free diet as prescribed from time to time as per the scale of supply of batta (the scale of supply of batta is mentioned in detail in the counter). It was also agreed in the settlement that in cases of those who are made unfit for work and are given outpatient treatment, batta should be allowed on the same scale. It was also agreed that in respect of monthly rated staff drawing a basic not exceeding Rs. 150/- p.m. and who were eligible for 14 days leave in a year should be given similar facilities. The Coal Award, which came into operation on 26-5-1956 and the decision of Labour Appellate Tribunal did not talk anything about sick khoraki to dependants or sick leave to workers. During 1961 Shri Das Gupta awarded that sick khoraki at half the workmen's wages (basic plus D.A.) should be granted for a period of 14 days in a year and that in case of workers who were granted for more than 14 days they would continue to enjoy the extra benefits subject to the condition that for the period beyond 14 days, the rate of sick Khoraki would be on the existing scale. In accordance with the award the procedure referred to in the counter was laid down with effect from 1-6-1961. From that time batta that was being paid in the hospital was only on production of a certificate from the department concerned showing that sick Khoraki at the rate of half pay has been availed of to the extent of 14 days. This payment of sick khoraki was in force till 14-8-1967. The Wage Board while recommending sick leave to the workmen in paragraph 14 of the Chapter XIII stated that all workmen shall be entitled to 15 days sick leave in a year on full pay or 30 days in a year at half pay with a right to the workmen to accumulate sick leave for a period of 60 days and 120 days respectively in the entire period of service. It also recommended that the sick leave shall be availed of only for illness beyond 24 hours duration. The Andhra Pradesh Coal Mines Bonus Scheme has come into force in 1952 as per

notification No. SRO. 1705 dt. 4-10-1952. The term "Basic earnings" is defined under clause 2(b) of the said Scheme. Clause 6 of the said Scheme deals with the amount of bonus. In accordance with these provisions of the said Scheme the Management are not taking into account the basic portion of the sick leave wages for the purpose of calculation on attendance bonus as sick leave is in no way linked with the work done. Sick leave is not earned leave and as such the basic portion of the same cannot be said to be basic earnings. Leave with wages, which is a statutory leave, is an earned depending on the muster put in by the workmen in the preceding calendar year and unless he earned the leave with wages, he will not be eligible to avail the same. What is contemplated under the Scheme is taking into account the statutory leave. The Management has not brought out any change in respect of calculation of the basic content of the wages for computation of bonus, after the implementation of the Wage Board recommendations and the procedure followed is in conformity with the provisions of Bonus Scheme. As regards the allegations that the Management has stopped the calculation of the basic content of the sick leave wages, it is only for certain old monthly rated workers who were eligible for extra leave facilities like 30 days privilege leave and 30 days sick leave etc. that the basic portion of sick leave was accounted for the purpose of quarterly bonus. Such number of workmen are very few and they have become eligible for such liberalised leave facilities by virtue of their service in the monthly grade prior to the coming into force of the Jadav Committee recommendations in 1949. As stated in paragraph 14 of Chapter XIII of the Wage Board recommendation sick leave recommended by the Wage Board would replace the existing facilities of sick Khoraki. As the said workmen were enjoying better sick leave, they were allowed to continue the same but as far as the calculation of bonus is concerned, they should be one along with the rest of the workmen. As such at the time of implementation of the Wage Board Recommendations, this anomaly was rectified as they are not eligible for the same under the provision of the scheme. The Unions cannot demand a general change in the policy on the analogy of few workmen who are enjoying better leave facilities. The contention of the Unions that the Wage Board classified leave into privilege leave, casual leave, sick leave, paid festival holidays and leave with pay and that sick leave with pay also should therefore be treated as leave with wages for bonus does not carry any weight since the Bonus Scheme has specifically provided that the basic earnings of an employee should be related to the work done and it has also specifically provided that statutory leave with wages and paid holidays should only be reckoned for calculation of quarterly bonus. Similar bonus schemes with the same provisions are in force all over the Collieries in the country and every where the basic portion of the earnings which relate to work done are only counted for purpose of quarterly bonus. Sick leave is in no way linked with the work done and as such the basic portion of sick leave wages is nowhere included. Singareni Collieries cannot be singled out in this respect. The action of the management is legal and justified and it is in conformity with the provisions of law and the practice prevailing in other Collieries.

6. The dispute that is referred to this Tribunal for adjudication is having in view the definition of basic wages as per paragraph 2(a) and 6 of the Andhra Pradesh Coal Mines Bonus Scheme 1952 and having in view the recommendations of the Central Wage Board for Coal Mining Industry at Chapter XIII,

whether the Management of Singareni Collieries Company Limited, Kothagudem are justified in excluding wages or the sick leave of the employees for the purpose of calculating quarterly bonus.

7. The relevant facts as gathered from the evidence and the documents may be briefly stated. The Andhra Pradesh coal Mines Bonus Scheme was framed in 1952 (hereinafter referred to as the Bonus Scheme) by the Central Government in exercise of the powers conferred by Section 5 of the Coal Mines Provident Fund and Bonus Scheme Act 1948. It is common ground that this scheme is being followed by the respondent so far as its collieries are concerned. While calculating the quarterly bonus previously the respondent was taking into consideration the basic earnings inclusive of the sick leave with pay. After the recommendations of the Central Wage Board for Coal Industry were implemented by the respondent, it issued the Circulars the originals of Ex. W. 1 dated 17-6-1968 and Ex. W. 2 dated 24-7-1968. A perusal of Ex. W. 1 shows that in that Circular it was clarified that as sick leave is in no way linked with work done, the basic portion of such payment should not be included for the purpose of calculating bonus. A perusal of Ex. W. 2 shows that a reference was made about the circular the original of Ex. W. 1 and it was also made clear that the effect of that circular is retrospective and the respondent also under that circular directed that the amounts already paid towards quarterly bonus on account of sick leave may also be recovered. It is in view of these circulars the petitioners raised the dispute. Now the point that arises for a decision in this dispute is whether the basic portion of sick leave with pay should also be included under the definition of the basic earnings for the purpose of calculating the quarterly bonus.

8. So far as granting of sick leave by the respondent company is concerned, the parties have lot in some evidence as to the nature of the leave that is being granted. W.W. 1 (I. Surya Rao) is working as a Clerk in the Head Office. He says that there are two classes of employees working in the Head Office, that one class of employees who were appointed prior to 1949 were given 10 days casual leave, 30 days sick leave and 30 days privilege leave in a year with pay, that this is in respect of monthly rated employees, that persons who were appointed subsequent to 1-7-1949 are given leave according to the provisions of the Mines Act, that is, for every 20 working days one would be entitled to one day earned leave as surface employee and for underground workers earned leave is granted at one day for every 16 working days and that this privilege is given to both monthly rated and daily rated employees. He also says that prior to 15-8-1967 there was the practice of sick khoraki and that this sick khoraki allowance was 14 days with half pay. W.W. 2 (Amir Khan) is a clerk working under the respondent. He says that they were having sick leave for 30 days in a year even after the implementation of the Wage Board recommendations, that till 1967 bonus was paid for those days, i.e., from 1948 till the end of 1967 and that they were not paid like that in 1968. He says that in the office of the Managing Director of the Singareni Collieries Company Limited, the employees working in that office are paid bonus even for those 30 days even now, and that even the workers who were entitled to 15 days sick leave are also paid bonus for those days even now. He also says that persons employed prior to July 1949 are given the benefit of 30 days of sick leave and others who were employed subsequent to July 1949 were entitled to

14 days leave and sick khoraki. W.W. 3 (B. Pochaiah) is working as a peon under the respondent. He says that prior to the implementation of the Wage Board recommendations they had 14 days sick leave, that the bonus was calculated for those 14 days also and that even now they are entitled only to the same number of days as sick leave and that bonus is calculated for those 14 days also. He also says that from 1959 sick khoraki allowance was first introduced in the company and that it is only after the implementation of the Wage Board recommendations that sick leave as such was introduced.

9. M.W. 1 (M. Ranganadham) is working as Cost Accounts Officer since 21-3-1972 and prior to that he was working as Assistant Costs Accountant from 1964 and prior to 1964 he worked as Head Clerk and in other various capacities according to him. He speaks about the procedure that is followed for calculating the quarterly bonus under the bonus scheme and about the qualifications that are required for earning attendance bonus and earned leave. He says that prior to wage board there was sick leave called sick khoraki, that this leave is to be given for 14 days with half pay, that this leave was given like that from 1961 onwards, that prior to 1961 batta used to be paid to the family members of the worker in case he was admitted as inpatient in the hospital that after 1961 if the worker was on sick leave for more than 14 days then he was being paid batta in kind according to some fixed scale for the days beyond 14 days, that the wage board recommended 30 days of sick leave on full pay and that the wage board had observed that this leave is in replacement of the sick khoraki. He also says that out of 30,000 workers in the collieries as a whole, that out of them 300 workers who were appointed prior to 1949 have got different privileges of leave and that the rest of the workers are governed by the Mines Act Leave Rules. According to him earned leave is linked with work done, whereas sick leave is not linked with work done. He says that from 1949 July till the Wage Board's recommendations were implemented from 15-8-1967, bonus was also being paid on 1/3rd of the basic earnings of the sick musters only for those who were appointed prior to 1949 but not to those who were appointed after 1949. He also says that after the Wage Board recommendations bonus was also being paid both to daily rated and monthly rated workers on sick leave also till July 1968 and that afterwards it was stopped because sick leave is not related to the work done and that the management issued a circular to recover the bonus paid subsequent to the Wage Board. The circular referred to by him is the original of Ex. W. 2. He also says that the workers in the Managing Director's office at Kotagudem and Hyderabad are getting bonus on the basic earnings of sick leave till the date of his deposing in this case. He also says that sick leave will be granted if the workmen bring a doctor's certificate and that the workers are given 15 days sick leave on full pay now.

10. M.W. 2 (U. Shivaraj) is working as Senior Inspector at the company's Head Office at Kothagudem. He also speaks about the conditions under which quarterly bonus is paid and also about the conditions under which earned leave and sick leave are granted. He says that for some monthly rated staff there was sick leave given originally and that they were those appointed prior to July 1949, that their number was only about 300 to 350, that those persons were given 30 days sick leave with pay, that remaining persons out of those persons are being given 30 days sick leave whereas those who were recruited after July 1949 were not given any sick leave with wages till 1961, that Ex. M. 1 is the copy of the list of the remaining monthly

rated workers out of the 300 or 350 workers who were recruited prior to July 1949 and that from 1961 the other workmen were given 14 days sick khoraki with half wages till August 1967, that from August 1967 they are being given 15 days of sick leave with full wages or 30 days sick leave with half wage, that this sick leave is being given subsequent to the Wage Board, that this sick khoraki upto August 1967 and 15 days of sick leave with full wages or 30 days sick leave with half wages is being paid to all the monthly rated and daily rated workers except those covered by Ex. M. 1. He further says that there are no conditions for qualifying for sick leave, that is, one need not earn that leave, that sick leave is not related to any work done, that this sick leave is allowed during the first year of service also whereas earned leave is given only in subsequent years after a workman puts in qualified musters. According to him it is only for those covered by Ex. M. 1 the wages for sick leave were also taken into consideration for fixing the quarterly bonus payable to them and that he is also one of those persons, that this payment made taking into consideration the wages for sick days also was stopped after the implementation of the Wage Board recommendations. According to him that there are 800 and odd collieries in India, that most of the private collieries are members of the I.M.A. (Indian Mining Association) that Ex. M. 13 and 14 are copies of the letters addressed to I.M.A., that Ex. M. 15 is the reply to their letters that Ex. M. 16 is the letter received from Aluminium Corporation of India who are working Jaykaynagar Colliery. Ex. M. 15 and M. 16 are filed to show that bonus on the basic portion of the sick leave cannot be paid since it is not linked with work done.

11. Now from the evidence of the witnesses referred to it is seen that this company had been giving sick leave and that for one set of workers the respondent was giving what is known as sick khoraki and that later on after the implementation of the Wage Board recommendations 15 days sick leave with full pay is being paid in view of sick khoraki and that these are the workmen who were employed after July, 1949 and that so far as the other set of workmen who were employed prior to July 1949 are concerned they are being given 30 days sick leave even now. The evidence also shows that quarterly bonus was being paid on the basic portion of the sick leave till the end of 1967 so far as the workmen who were employed subsequent to July 1949 are concerned. The evidence also shows that the quarterly bonus on the basic portion of the sick leaves being paid even now for the workers working in the Managing Director's Office at Kothagudem and at Hyderabad. The evidence also shows that the quarterly bonus is paid on the basic portion of the lay-off, maternity, paid holidays and accident *vide* evidence of (M.W. 2). Now the evidence let in by the respondent is to the effect that since sick leave is not linked with work done, even though the sick leave is taken into consideration for the purpose of arriving at the eligibility, while calculating the bonus the wages for those days will not be taken into consideration at all. So from the evidence it is seen that even though the basic portion of the earnings of the days relating to earned leave, maternity leave and accidents are taken into consideration for the purpose of calculating the quarterly bonus so far as the basic earnings as regards the sick leave are concerned they are taken into consideration only for arriving at the eligibility for claiming bonus but that for the purpose of paying the bonus the basic earnings of the sick leave are not taken into consideration. Now the contention of the petitioners is that bonus should be

calculated on the basic portion of the earnings of sick leave also. Now it has to be seen whether this contention of the petitioners can be upheld.

12. At this stage a reference may be made to the relevant portions of the Bonus Scheme paragraph 2(b) of the Bonus Scheme gives the definition of the basic earnings and as per that definition "Basic earnings" means the total cash emoluments, whether earned while on duty while on leave with pay. Paragraph 4 refers to the qualification for bonus. Paragraph 5 refers to the allowance for leave etc., which have to be taken into consideration for the purpose of paragraph 4 of the Bonus Scheme. As per paragraph 5 leave includes sick leave. Paragraph 6 relates to the amount of bonus that has to be calculated. Now the evidence of the respondent is that the sick leave is taken into consideration for the purpose of arriving at the qualification for the bonus referred to in paragraph 4 of the Bonus Scheme only for the purpose of arriving at the eligibility but that while calculating the bonus the basic earnings of sick leave are not taken into consideration. When it is seen from the evidence adduced on the side of the respondent that the basic portion of the earned leave, maternity leave, accidents, lay off and paid holidays are taken into consideration for the purpose of arriving at the amount of bonus, it does not stand to reason why the bonus should not be calculated on the basic earnings of the sick leave. It is now contended by the respondent's representative that since earned leave etc., other than the sick leave are linked with the work done, bonus is calculated on the basic earnings of the earned leave etc. So far as the earned leave is concerned it is contended by the respondent's representative that it is leave that is earned by a worker in a particular year and that this leave can be availed of by the workmen only in the next year of his earning the leave whereas there is no such restriction so far as sick leave is concerned and that the sick leave can be availed of in the same year. Now the evidence of M.W. 1 is that sick leave would be granted only if the workmen bring a Doctor's certificate. So it is clear that even sick leave is only granted on production of Doctor's certificate. If according to the respondent in order to earn the quarterly bonus on the basic earnings sick leave should be linked with the work done it is not known how the earned leave, the maternity leave, leave given due to accidents, the lay-off and paid holidays are linked with the work done. Further the definite evidence adduced on the side of the respondent is that the workers working in the Managing Director's office at Kothagudem and Hyderabad are getting bonus on the basic earnings of sick leave till today. If really the basic earnings on the sick leave cannot at all taken into consideration for the purpose of calculating the quarterly bonus on the ground that it is not linked with the work done, then even the workers working in the Managing Director's Office cannot be given the quarterly bonus on the basic earnings of the sick leave. It does not stand to reason how for a particular type of workers the basic earnings of the sick leave cannot be taken into consideration for the purpose of calculating the quarterly bonus on the ground that it is not linked with the work done and how the basic earnings of sick leave also can be taken into consideration for calculating the quarterly bonus so far as another set of workers are concerned. There is absolutely no basis for such a discrimination. If it is the contention of the respondent that the sick leave should be linked with the work done for the purpose of calculating quarterly bonus on the basic

earnings of the sick leave, then it should be so with reference to all types of workers under the Company, but it is not so so far as one set of workers of the respondent are concerned.

13. It is also seen from the evidence that this very company had been calculating the quarterly bonus on the basic earnings of the sick leave till about the end of 1967 and that it is only later on that the respondent stopped calculating the quarterly bonus on the basic earnings of the sick leave after issuing the relevant circulars already referred to so far as only a particular type of workers is concerned. It is not as if all the workers working under the respondent are covered by the circulars referred to. When it is now seen that the basic earnings on the earned leave, maternity leave, accidents, lay-off and paid holidays are taken into consideration and when the respondent had been calculating the quarterly bonus on the basic earnings of the sick leave till 1967 and when the basic earnings of the sick leave given to the workers the working in the Managing Director's Office are taken into consideration for the purpose of calculating the quarterly bonus even still today, there is absolutely no justification for the respondent to deny this benefit to the petitioners by issuing some arbitrary circulars. Paragraph 5 of the Bonus Scheme clearly shows that leave includes sick leave. As per paragraph 2(b) basic earnings means the total cash emoluments earned while on duty or while on leave with pay. Sick leave in the present case is sick leave with pay. In Chapter XIII of the recommendations of the Central Wage Board while referring to the sick leave it is observed as follows :

"Sick leave to the work men has come to be a condition of employment in industrial establishments in the same way as leave with pay. The necessity for rest during the periodical indisposition of the workers cannot be exaggerated. If the workers are not provided with means to fall back upon during such rest, the results will be more disastrous. Sick leave can no longer be called a generous grant of the employers out of charity".

So this recommendation also shows that when a worker is sick he should be granted sick leave and that if no sick leave is granted the result would be more disastrous. When according to the respondent sick leave is taken into consideration for arriving at the eligibility under paragraph 4 of the Bonus Scheme and when the quarterly bonus is calculated on the basic earnings of earned leave, maternity leave etc., the respondent should calculate the quarterly bonus on the basic earnings of the sick leave also. On a consideration of the evidence placed before me I am satisfied that there is absolutely no justification for the respondent in excluding the wages for the sick leave for the purpose of calculating quarterly bonus.

14. It is contended by the respondent's representative that so far as the workers working in the Managing Director's Office are concerned they are not covered by the Mines Act and the further the persons working in that office are small in number and that so far as the petitioners are concerned they are governed by the Mines Act and that even as regards the workers who were appointed prior to July 1949, they are also not now paid the quarterly bonus on the basic earnings of the sick leave and that it is only by mistake that the quarterly bonus was being calculated on the basic earnings of the sick leave and so the relevant circulars were issued stating that quarterly

bonus should not be calculated on the basic earnings of the sick leave. Even though the petitioners are governed by the Mines Act, it does not make any difference so far as the calculation of the quarterly bonus on the basic earnings of the sick leave is concerned. When according to the respondent the quarterly bonus cannot be paid on the basic earnings of the sick leave on the ground that it is not linked with the work done the same rule should apply even to the workers working in the Managing Director's Office, but it is not so in this case. When the respondent is taking into consideration the basic earnings on the sick leave for the purpose of calculating the quarterly bonus so far as one set of workers working in the Managing Director's Office are concerned, this benefit should be extended to the other workers also. So there is no force in the contention of the respondent's representative that the petitioners are covered by the Mines Act, whereas the workers working in the Managing Director's Office are not covered by the Mines Act.

15. It is also contended by the respondent's representative that paragraph 2(b) of the Bonus Scheme refers to "Basic earnings" whereas in the present reference it is referred "Basic wages" and so the reference itself is incompetent and that the Tribunal has no jurisdiction to correct the reference. He relied upon the decision reported in *SINGARENI COLLIERIES CO. LTD. v. SALIM M. MERCHANT* (1972 (2) Andhra Weekly Report, page 165). In that case the reference was whether a particular grade fixed was justified. The arbitrator held that the respondent therein was not entitled to that particular grade. Having held so that arbitrator fixed a different grade. Under those circumstances their Lordships observed that Section 10A of the said Act speaks only of "the dispute" that is to say a specific dispute and that it is only that dispute which the arbitrator has to investigate and give the award. No doubt it is seen that in the reference it is mentioned as "Basic wages" whereas paragraph 2(b) of the Bonus Scheme refers to "Basic earnings" but a perusal of the reference clearly shows that it refers only to the basic earning because the relevant portion of the reference is "Having in view of the definition of 'Basic Wages' as per paragraph 2(a) and 6 of Andhra Pradesh Coal Mines Bonus Scheme 1952" So, under the circumstances of this case, the word "Wages" in the words "Basic wages" is only typographic error for "Basic earnings". So there is no force in the contention of the respondent's representative that the reference itself is incompetent.

16. For all the aforesaid reasons I hold on the dispute referred to for adjudication that having in view of the definition of "Basic Wages" as per paragraph 2(a) and 6 of Andhra Pradesh Coal Mines Bonus Scheme of 1962 and having in view of the recommendations of the Central age Board for Coal Mining Industry at Chapter XII, the Management of Singareni Collieries Company Limited, Kothagudem are not justified in excluding the wages for the sick leave of the employees for the purpose of calculating quarterly bonus and so the respondent is directed to calculate the quarterly bonus on the basic earnings for the sick leave of the employees.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal his, the 25th day of September, 1972.

pnr/9.10

Industrial Tribunal

APPENDIX OF EVIDENCE

Witnesses examined for workmen	Witnesses examined for employers
W.W. 1 I. Surya Rao	M.W. 1 M. Ranganadham
W.W. 2 Amir Khan	M.W. 2 U. Shivaraj
W.W. 3 B. Pochaiah	
W.W. 4 G.S. Shamanna	

DOCUMENTS EXHIBITED FOR WORKMEN

- Ex. W. 1 Copy of the Circular dated 17-6-68 of the Singareni Collieries Company Limited, Kothagudem.
- Ex. W. 2 Copy of the circular dated 24-7-68 of the Singareni Collieries Company Limited, Kothagudem.
- Ex. W. 3 Copy of the memorandum of settlement dated 17-9-69 under Section 12(3) of Industrial Disputes Act, between the Singareni Collieries Workers' Union Kothagudem and the management.
- Ex. W. 4 Actual position of implementation of wage board recommendations for Coal Mining Industry in respect of the collieries of the Bengal Coal company, Tata Iron and Steel Company and W.C.D.C.
- Ex. W. 5 Memorandum of settlement dated 7th, 8th and 9th October 1969 under Section 12(3) of Industrial Disputes Act between the M/s. Singareni Collieries Company Limited, Kothagudem and the Singareni Collieries Workers Union, Kothagudem and Tander Coal Mines Labour Union, Belampalli.

DOCUMENTS EXHIBITED FOR EMPLOYERS

- Ex. M. 1 Statement showing number of staff and workers who are allowed liberalised leave facilities viz., 30 days privilege leave, 30 days sick leave and 10 days casual leave by virtue of their appointment in monthly grades prior to July 1949.
- Ex. M. 2 Bonus Form for the year 1966 pertaining to Sre-ragni.
- Ex. M. 3 Bonus Form X for the year 1966 pertaining to A. Basavaiah.
- Ex. M. 4 Bonus Form X for the year 1966 pertaining to Mohd. Gaffer.
- Ex. M. 5 Bonus Form X for the year 1966 pertaining to Shaik Abdulla.
- Ex. M. 6 Bonus Form X for the year 1966 pertaining to Bada Md. Yacoob.
- Ex. M. 7 Bonus Form X for the year 1966 pertaining to Eleganti Ratnam.
- Ex. M. 8 Bonus Form X for the year 1966 pertaining to Kanda Rajam.
- Ex. M. 9 Bonus form X for the year 1966 pertaining to Katkuri Balajiah.
- Ex. M. 10 Bonus Form X for the year 1966 pertaining to Basta Rallingu.
- Ex. M. 11 Bonus Form X for the year 1966 pertaining to Bandi Kistiah.

- Ex. M. 12 Bonus Form X for the year 1966 pertaining to Ped-depally Appaiah.
- Ex. M. 13 Copy of the latter dated 6-1-68 of the General Manager addressed to the Secretary Indian Mining Association Calcutta.
- Ex. M. 14 Letter dated 28-5-68 of General Manager addressed to the Secretary, Indian Mining Association, Calcutta.
- Ex. M. 15 Letter dated 3-6-68 of the Secretary of Indian Mining Association, Calcutta, addressed to the General Manager, Singareni Collieries Company Limited Kothagudem.
- Ex. M. 16 Letter dated 7-2-72 of Manager of Jaykay nagar Colliery Assansol addressed to the General Manager, Singareni Collieries Company Limited, Kothagudem.

New Delhi, the 18th October, 1972

ORDER

S.O. 3839.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Bharat Udyogalaya, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Bombay constituted under section 7A of the said Act.

SCHEDULE

"Whether the demand of the workmen of Messrs. Bharat Udyogalaya, Bombay for bonus at the rate of 20 per cent. of the wages earned by them for the years 1969-70 and 1970-71 is justified? If not, to what quantum of bonus are the workmen entitled for each of the above two years?"

[No. L-29011(52)/72-LR.IV]

नई दिल्ली, दिनांक 18 अक्टूबर, 1972

प्रावेश

का०प्रा०—3839 यतः केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मेसर्स भारत उद्योगालय बम्बई, के प्रबन्ध से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद का न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है।

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (i) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संख्या 2) बम्बई को न्यायनिर्णयन के लिये निर्देशित करती है।

अनुसूची

"क्या मेसर्स भारत उद्योगालय, बम्बई के कर्मचारियों की उनके द्वारा वर्ष 1969-70 और 1970-71 में अर्जित मजदूरियों का 20 प्रतिशत की दर से बोनस की मांग न्यायोचित है? यदि नहीं, तो

कर्मकार उपयुक्त वर्षों में से प्रत्येक के लिये बोनस की कौन सी राशि पाने के हकदार हैं ?

[सं० एल-29011(52)/72-एल०प्रा० 4]

New Delhi, the 30th October, 1972

ORDER

S.O. 3840.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hindustan Copper Limited, Khetri Copper Project, Post Office Khetri Nagar, District Jhunjhunu and their workmen in respect of the matter specified in the Schedule hereto annexed;

AND, WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Updesh Narain Mathur shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Hindustan Copper Limited, Khetri Copper Project in promoting Shri S. R. Soni, Upper Division Clerk as a Junior Accountant superseding the claims of Sarvashri Sanwormal Soni and H. P. Saksena, Upper Division Clerks in the Project was justified? If not, to what relief are Sarvashri Sanwormal Soni and H. P. Saksena entitled?

[No. L-29012/6/72-LR.IV]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, दिनांक 30 अक्टूबर, 1972

प्रावेश

का०का०3840—यतः केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में हिन्दुस्तान पर लिमिटेड, खेतरी काँपर प्राजेक्ट, डाकघर खेतरी नगर, जिला झुंझुनू से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री उपदेश नारायण माथुर होंगे, जिनका मुख्यालय जयपुर होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या हिन्दुस्तान कापर लिमिटेड, खेतरी कापर प्राजेक्ट के प्रबन्ध-तन्त्र की श्री एस० आर० सोनी, उच्च श्रेणी लिपिक को, सर्वश्री सांवरमल सोनी और एच० पी० सक्सेना, प्राजेक्ट उच्च श्रेणी लिपिकों के दावों को अतिष्ठित करते हुए, कनिष्ठ लेखाकार के रूप में प्रोन्नति देने की कार्यवाही न्यायोचित है ? यदि नहीं, तो सर्वश्री सांवरमल सोनी और एच० पी० सक्सेना किस अनु-तोष के हकदार हैं।

[सं० एल/29012/6/72-एल०प्रा० 4]

एस० एस० सहस्रनामान अवर सचिव

New Delhi, the 3rd November, 1972

S.O. 3841—WHEREAS the All India Trade Union Congress has nominated under clause (e) of sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), Shri P. K. Thakur in place of Shri S. K. Sanyal as member of the Mining Board constituted for the States of Madhya Pradesh and Uttar Pradesh;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Labour and Employment S.O. No. 1286 dated the 24th April, 1965, namely:—

In the said notification, under the heading "Members", against serial number (6), for the existing entry, the following entry shall be substituted, namely:—

"Shri P. K. Thakur, Advocate, Yadav Colony, Lachminagar, Behind Hanuman Mandir, Jabalpur (M.P.). [Nominated by the All India Trade Union Congress under clause (e) of section 12(1)]".

[No. V-22012/4/72-M.I.]

R. KUNJITHAPADAM, Under Secy.

नई दिल्ली, दिनांक 3 नवम्बर, 1972

का०आ० 3841—यनः प्रांत इण्डिया ट्रेड यूनियन कांग्रेस ने खान अधिनियम, 1952 (1952 का 35) की धारा 12 की उपधारा (1) के खण्ड (क) के अधीन श्री एस० के० सान्याल के स्थान पर श्री पी० के० ठाकुर को मध्य प्रदेश और उत्तर प्रदेश राज्यों के लिये गठित खनन बोर्ड के सदस्य के रूप में नामनिर्देशित किया है।

अतः, अब, खनन अधिनियम, 1952 की धारा 12 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के भूतत्त्व और रोजगार मंत्रालय की अधिसूचना सं० का०आ० 1286, तारीख 24 अप्रैल, 1965 में एनबि द्वारा निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "सदस्य" शीर्ष के अन्तर्गत क्रम संख्या (6) के सामने विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"श्री पी० के० ठाकुर, एडवोकेट,
यादव कालोनी, लक्ष्मीनगर,
हनुमान मन्दिर के पीछे
जबलपुर (म० प्र०)

(प्रांत इण्डिया ट्रेड यूनियन कांग्रेस द्वारा धारा 12 की उपधारा (1) के खण्ड (क) के अधीन नाम निर्देशित किया गया है।)

[स० वी-22012/4/72-एम I]

आर० कुंजीथापदम, अधर सचिव

New Delhi, the 7th November, 1972

S.O. 3842—In pursuance of clause (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints (i) the Deputy Secretary (General), Finance Department, Trivandrum and (ii) Deputy Secretary to the Government of Kerala, Labour Department, Trivandrum as the members of the Regional Committee set up for the State of Kerala and makes the following further amendments in the notification of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1245, dated the 14th April, 1966, namely:—

6 G of I/72—3

In the said notification, in items 2 and 3 for the existing entries, the following entries shall be substituted respectively, namely:—

"(2) The Deputy Secretary (General) Finance Department, Government of Kerala, Trivandrum.

(3) The Deputy Secretary to the Government of Kerala, Labour Department, Trivandrum."

[No. 12(1)/66-PF. II]

नई दिल्ली, दिनांक 7 नवम्बर, 1972

का०आ० 3842—कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 4 के उप-पैरा (1) के खंड (ख) के अनुमरण में, केन्द्रीय सरकार (i) उपसचिव (साधारण), वित्त विभाग, त्रिवेन्द्रम, और (ii) उप-सचिव, केरल सरकार, श्रम विभाग, त्रिवेन्द्रम को, केरल राज्य के लिए गठित क्षेत्रीय समिति के सदस्यों के रूप में एनबि द्वारा नियुक्त करती है और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का०आ० 1245, तारीख 14 अप्रैल, 1966 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, मद 2 और 3 में, विद्यमान प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात्:—

"(2) उपसचिव (साधारण), वित्त विभाग,
केरल सरकार, त्रिवेन्द्रम।

(3) उप सचिव, केरल सरकार, श्रम विभाग, त्रिवेन्द्रम"

[सं० 12(1)/66-पी०एफ० II]

S.O. 3843—In pursuance of clause (c) and (d) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri C. S. Patel vice Shri D. P. Ketkar, Shri A. T. Kajiji vice Shri J. V. Patel, Shri E. N. Joshi vice Shri R. J. Mehta and Shri G. V. Chitnis as members of the Regional Committee set up for the State of Maharashtra, and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1286, dated the 27th May, 1961, namely:—

In the said notification,—

(i) for the existing entries against Serial Numbers 5, 6, 7 and 9, the following entries shall be substituted, namely:—

"5. Shri C. S. Patel, Labour Officer, Silk and Art Silk Mills Association Limited, Reshma Bhavan, 78, Veer Nariman Road, Bombay-20.

6. Shri A. T. Kajiji, Empire Dyeing and Manufacturing Co. Ltd., Garlick Engineering Division, Bapurao Jagtap Marg, Sant Gadge Maharaj Chowk, Bombay-11.

7. Shri G. V. Chitnis, Care-Maharashtra State Committee of A.I.T.U.C., Dalvi Building, Parel T.T., Dr. Ambedkar Road, Bombay-12.

9. Shri E. N. Joshi, Engineering Mazdoor Sabha, Kamgar Sadan, Mazgaon, Bombay-10."

[No. V-20012(3)/72-PF. II]

का० प्रा० 3843—कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 4 के उप पैरा (1) के खण्ड (ग) और (घ) के अनुमरण में, केन्द्रीय सरकार श्री. डी० पी० केतकर के स्थान पर श्री सी० एस० पटेल को, श्री जी० बी० पटेल के स्थान पर श्री ए० टी० काजी जी को, श्री आर० जे० मेहता के स्थान पर श्री ई० एन० जोशी को और श्री जी० बी० चिटणिस को महाराष्ट्र राज्य के लिये गठित क्षेत्रीय समिति के सदस्यों के रूप में एतद्वारा नियुक्त करती है और भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० प्रा० 1286, तारीख 27 मार्च, 1961 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में :—

(1) क्रम संख्यांक 5, 6, 7 और 9 के मामले की विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

“5. श्री सी०एस० पटेल, श्रम अधिकारी, सिल्क एण्ड आर्ट सिल्क मिल्स, एसोसिएशन लिमिटेड, रेशमा भवन, 78, वीर नारिमन रोड, मुम्बई-20.

6. श्री ए० टी० काजी जी, एम्पायर डाईंग एण्ड मैनुफैक्चरिंग कम्पनी लिमिटेड, गालिक इंजीनियरिंग डिब्रीजन, बापूराव जगताप मार्ग, संत गाडगे महाराज चौक, मुम्बई-11।

7. श्री जी० बी० चिटणिस, केयर-महाराष्ट्र स्टेट कमेटी आफ ए० आई० टी० यू० सी०, वाल्मी बिल्डिंग, परेल टी० टी०, डा० अम्बेडकर रोड, बम्बई-12

9. श्री ई० एन० जोशी,
इंजीनियरिंग मजदूर सभा,
कामगर सदन, मजगांव, मुम्बई-10”

(सं० बी० 20012(3)/72-पी एफ II)

S.O. 3844 :—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3204 dated 31st July, 1971 the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Maharashtra in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a further period of one year from the date of expiry of the period specified in the said notification or until the enforcement of provisions of Chapter V of the said Act in those areas, whichever is earlier.

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the Factory
1	2	3	4
1	Bedar	Homanabad	1. M/s. Maharashtra State Road Transport Corporation Bus Depot.
2.	Osmanabad	Osmanabad	1. M/s. Maharashtra State Road Transport Corporation Depot Workshop.

[S. No. 38017/39/72-HI]

का० प्रा० 3844:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 3204, तारीख 31 जुलाई, 1971 के क्रम में केन्द्रीय सरकार इससे उपाबद्ध अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की उक्त अनुसूची स्तम्भ (3) में विनिर्दिष्ट महाराष्ट्र राज्य के क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4, और 5 के उपबन्ध प्रवृत्त नहीं हैं, अवस्थिति को ध्यान में रखते हुए, उक्त कारखानों को, उक्त अधिनियम के अध्याय 5-क के अधीन उदग्रहणीय नियोजकों के विशेष अधिदाय के संदाय से, उक्त अधिसूचना में विनिर्दिष्ट अधिधि के अधिसूचना की तारीख से एक वर्ष की और अधिधि के लिए या तब तक के लिए जब तक उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हो, एतद्वारा छूट देती है।

अनुसूची

क्रम सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1	2	3	4
1.	बिंदर	होमनबाद	मैसर्स महाराष्ट्र राज्य सड़क परिवहन निगम बस डिपो।
2.	उस्मानाबाद	उस्मानाबाद	मैसर्स महाराष्ट्र राज्य सड़क परिवहन डिपो कर्मशासय।

[सं० 38017(39)/72, एच आई]

S. O. 3845:—In exercise of the powers conferred by Section 73F of the employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) No. S.O. 1146. dated the 22nd February, 1971, the Central Government having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of West Bengal in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the date of expiry of the period specified in the said notification upto and inclusive of the 19th March, 1973 or until the enforcement of provisions of Chapter V of the said Act in these areas, whichever is earlier.

SCHEDULE

S. No.	Name of District	Name of Area	Name of Factory
1	2	3	4
1.	Burdwan	Panagarh	Messrs. Pangarh Engineering Works Limited, Post Office Panagarh.
2.	Hooghly	Khanayan	Messrs. Shree Durga Board Mill, Post Office and Village Khanayan.

[File No. S. 38017/79/72-HI]

का० आ० 3845.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-ब द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 1146, तारीख 22 फरवरी, 1971 के क्रम में केन्द्रीय सरकार इसमें उपाबद्ध अनुसूची के स्तम्भ 4) में विनिर्दिष्ट कारखानों की, उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट पश्चिम बंगाल राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त नहीं हैं, अवस्थिति को ध्यान में रखते हुए, उक्त कारखानों की, उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजकों के विशेष अभिदाय के संदाय से उक्त अधिसूचना में विनिर्दिष्ट अवधि के अवसान की तारीख से 19 मार्च, 1973 तक, जिसमें यह तारीख भी सम्मिलित है, एक वर्ष का और अवधि के लिए या नव तक के लिए जब तक उक्त अधिनियम के अध्याय 5 के उपबंध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हों, एतद्वारा छूट देती है।

अनुसूची

क्र० सं०	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
1	2	3	4
1.	बर्दवान	पनागढ़	मैसर्स पनागढ़ इंजी- नियरिंग वर्क्स लिमिटेड, डाकघर, पनागढ़।
2.	दुर्गली	खनायन	मैसर्स श्री दुर्गा बोर्ड, मिल डाकघर और ग्राम, खनायन

[सं० एम० 38017(79)/72एच-आई]

S.O. 3846—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 73 dated the 7th December, 1971 the Central Government having regard to the location of the Mechanical and Electrical Workshop, Sabarmati, Ahmedabad and the Auto Workshop, Sabarmati, Ahmedabad belonging to Oil Gas Commission in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said Workshop from the payment of the employers' special contribution leviable under Chapter V-A of the said Act for a further period of one year with effect from the 15th October, 1972 upto and inclusive of the 14th October, 1973.

[No. S-38017/80/72.HI]

DALJIT SINGH, Under Secy.

का० आ० 3846.—राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-एच द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 73 तारीख 7 दिसम्बर, 1971 के क्रम में, केन्द्रीय सरकार आयल गैस कमीशन के मैकेनिकल एण्ड इलेक्ट्रिकल वर्क-शॉप साबरमती, अहमदाबाद और ऑटो वर्कशॉप साबरमती अहमदाबाद

के ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त हैं, की अवस्थिति को ध्यान में रखते हुए उक्त कर्मशाला को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 15 अक्टूबर, 1972 से 14 अक्टूबर, 1973 तक, जिसमें यह दिन भी सम्मिलित है, एक और वर्ष की अवधि के लिए एतद् द्वारा छूट देती है।

[सं० एस-8017(80)/72-एच3]

वलजीत सिंह, अवधूतसिंह

New Delhi, the 7th November, 1972

S.O. 3847—WHEREAS the draft of a Scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), at pages 2234—2240 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 9th May, 1970 under the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1676, dated the 25th April, 1970, inviting objections or suggestions from all person likely to be affected thereby, till the 30th May, 1970;

AND WHEREAS the said Gazette was made available to the public on the 9th May 1970;

AND WHEREAS the objections or suggestions received from the public on the said draft have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following Scheme, further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, namely:—

AMENDMENT SCHEME

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme 1972.

2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957,—

(1) In clause 1, to sub-clause (2) the following proviso shall be added namely:—

“Provided that this Scheme shall not apply to any dock worker or employer unless he is listed as such under this Scheme.”;

(2) Clause 4 shall be renumbered as sub-clause (1) and—
(a) in sub-clause (1) of that clause as so renumbered;

(i) items (g) and (h) shall be re-lettered as items (k) and (l);

(ii) for items (ee) and (f), the following items shall be substituted, namely:—

“(f) making provision for the training and welfare of listed workers including medical benefits in so far as such provision does not exist apart from this Scheme;

(g) ensuring the adequate supply and the full and proper utilisation of listed workers for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the Port;

(h) regulating the recruitment and entry into and the discharge from the Scheme of listed workers and the allocation of listed workers in the pool to listed employers;

- (i) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of listed workers, including any registers or records of listed workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any listed worker either at his own request or in accordance with the provisions of this Scheme;
- (j) levying and recovering from listed employers contributions in respect of the expenses of the Scheme;”;
- (iii) after item (1) as so re-lettered, the following items shall be inserted, namely:—
- “(m) making provision for health and safety measures in places where listed workers are employed in so far as such provision does not exist apart from the Scheme;
- (n) maintaining and administering the Listed Workers Welfare Fund and recovering from all listed employers contributions towards the Fund in accordance with the rules of the Fund that may be framed under this Scheme;
- (o) maintaining administering a provident fund and a gratuity fund for listed workers in the pool;
- (p) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation mortgaging or charging all or any part of the property of the Board.”;
- (b) after sub-clause (1) as re-numbered the following sub-clauses be inserted, namely:—
- “(2) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under this Scheme.
- (3) The Board shall submit to the Central Government.
- (i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October of that year, an annual report on the working of this Scheme during the preceding year ending the thirty-first day of March together with an audited balance-sheet; and
- (ii) copies of proceedings of the meetings of Board.”;
- (3) after clause 4 the following clauses shall be inserted, namely:—
- “4A. Application of the funds of the Board.—**The income and property of the Board from whatever source derived shall be applied solely towards the objects of this Scheme including health, safety, training and welfare measures for listed workers (including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of listed workers and the staff of the Board) and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board and the Administrative Body.
- 4AA. Responsibilities and duties of the Board in meeting:—**
- The Board in meeting shall be responsible for dealing with all matters of policy and in particular—
- (a) fix the number of dock workers to be listed under various categories;
- (b) increase or decrease the number of workers in any category on the register or record from time to time as may be necessary after a periodical review of the registers and anticipated requirements;
- (c) consider listing of new employers on the recommendations of the Chairman;
- (d) prescribe forms, records, registers, statements and the like required to be maintained under this Scheme;
- (e) determine the wages, allowances and other conditions of service of Dock Workers, and refix the guaranteed minimum wages in a month after annual review;
- (f) fix the rate of levies, administrative and other charges;
- (g) fix the rate of contribution to be made by the listed employers to the Dock Workers Welfare Fund;
- (h) appoint, dissolve or reconstitute Committees under clause 7;
- (i) sanction the annual budget;
- (j) sanction the creation of posts the maximum salary of which exclusive of allowances is less than Rs. 1,000 per mensem and make appointments to such posts;
- (k) make recommendations to the Central Government about changes in the Schedule to the Act;
- (l) make recommendations to the Central Government about any modification in this Scheme;
- (m) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Central Government the results of such endeavours;
- (n) discuss statistics of output of labour and record its observations and directions; and
- (o) sanction the opening of accounts in such scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.”;
- (4) in clause 5,—
- (i) in sub-clause (1), for items (c) and (d), the following items shall be substituted, namely:—
- “(c) to supervise and control the working of the Administrative Body and to take suitable steps if any irregularities are detected by him or brought to his notice;
- (d) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (e) to constitute medical boards when required;
- (f) to ensure that all forms, registers, returns and documents prescribed under this Scheme are properly maintained;
- (g) to sanction the creation of posts, the maximum salary of which exclusive of allowances is upto rupees six hundred per month and to make appointment to such posts;
- (h) to take disciplinary action against listed workers and listed employers in accordance with the provisions of this Scheme;
- (i) to declare that there has been a ‘go-slow’ and to take action as authorised under this Scheme;

- (j) to declare a 'state of emergency' and to take action as authorised under this Scheme;
- (k) to make a report, when necessary, to the Central Government under rule 5 of the Dock Workers (Regulation of Employment) Rules, 1962;
- (l) to deal with appeals under clauses 15 and 16; and
- (m) to discharge all other duties and responsibilities specifically vested in the Chairman under this Scheme."
- (ii) in sub-clause (2),—
- (a) for item (a) the following item shall be substituted, namely:—
 "(a) to the Deputy Chairman, any of his functions under sub-clause (1), excepting those mentioned in items (e), (g), (h), (i), (j), (k), (l) and (m) of that sub-clause,";
- (b) the following proviso shall be added at the end, namely:—
 "provided that the delegation of the functions to the Deputy Chairman under item (a) shall not divest the Chairman of his powers under sub-clause (1)."
- (5) for clause 6, clause 6A and clause 6B the following clauses shall be substituted, namely:—
- "6. Responsibilities and duties of the Deputy Chairman and Personnel Officer:—**
- (1) The Deputy Chairman shall assist the Chairman in the discharge of his functions and, in particular, shall—
- (a) discharge all functions relating to disciplinary action against listed employers and listed workers to the extent permitted under clause 14;
- (b) function as Chairman of Committees of the Board to which he may be nominated a member;
- (c) carry out the functions of the Administrative Body if there is no Administrative Body appointed under clause 6A; and
- (d) exercise such other functions as are delegated to him by the Chairman;
- (2) The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and in particular shall carry out such functions as may be delegated to him by the Deputy Chairman and shall, in particular, carry out the functions vested in him under clause 14.
- 6A-Administrative Body.—**(1) The Central Government may, by notification in the Official Gazette, appoint an Association or body consisting of such employers of listed workers as the Central Government may nominate in this behalf to be the Administrative Body for the purpose of carrying out the functions assigned to it under the Scheme. If no such Administrative Body is appointed, the Deputy Chairman shall carry out the functions of the Administrative Body.
- (2) The Administrative Body shall, subject to the supervision and control of the Board, the Chairman and the Deputy Chairman and subject to the provisions of clause 14, carry on the day-to-day administration of this Scheme.
- (3) The Central Government may for sufficient cause supersede the Administrative Body appointed under sub-clause (1):
- Provided that the Administrative Body shall not be superseded unless it has been given a reasonable opportunity of being heard."
- 6-B. Functions of the Administrative Body.—**Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body
- shall be responsible for the administration of this Scheme and in particular be responsible for—
- (a) keeping, adjusting and maintaining a list of listed employers, entering or re-entering therein the name of any listed employer and where circumstances so require, removing from the list the name of any listed employer either at his own request or in accordance with the provisions of this Scheme;
- (b) keeping adjusting and maintaining from time to time such lists, registers or records as may be necessary, of listed workers including any lists, registers or records of listed workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require removing from any register list or record the name of any listed worker either at his own request or in accordance with the provisions of this Scheme;
- (c) the employment and control of listed workers available for work when they are not otherwise employed in accordance with this Scheme;
- (d) the allocation of listed workers in the pools constituted under clause 9A who are available for work to listed employers and for this purpose, the Administrative Body shall—
- (i) be deemed to act as an agent for the employer;
- (ii) make the fullest possible use of listed workers in each pool;
- (iii) keep the record of attendance at call stands or control points of listed workers;
- (iv) provide for the maintenance of the records of employment and earnings;
- (v) allocate listed workers in accordance with sub-clause (3) (f) of clause 9A;
- (vi) make necessary entries in the Attendance and Wage Cards of the listed workers in the pool;
- (e) (i) the collection of levies, administrative and other charges and contributions to the Listed Workers Welfare Fund;
- (ii) the collection of the listed workers' contribution to the Provident Fund, Insurance Fund or any other Fund which may be constituted under this Scheme;
- (iii) the payment as agent of the listed employer to each listed worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to these workers in accordance with the provisions of this Scheme;
- (f) appointing, subject to the budget provision and with the sanction and approval of the Chairman, such officers and servants from time to time as may be necessary;
- (g) making provision for training of workers as it may consider necessary;
- (h) the keeping of proper accounts of the cost of operating this Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;
- (i) the framing of the budget annually submitting the same to the Board on or before the fifteenth day of February in each year and getting it approved by the Board;
- (j) maintaining complete service records of all listed workers covered under the Schedule; and
- (k) such other functions as may, from time to time, and subject to the provisions of this Scheme, be assigned to it by the Board, the Chairman or the Deputy Chairman.

6BB. Annual Estimates.—The Chairman, shall at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Administrative Body under clause 6B, for the year commencing on the first day of April then next ensuing in such detail and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.”;

(6) in clause 6-C, the following shall be added at the end, namely:—

“and shall in particular, carry out the functions vested in him under clause 14.”;

(7) in clause 8, after sub-clause (5) the following sub-clauses shall be inserted, namely:—

“(6) Notwithstanding any other provision of this Scheme, the Board in meeting may direct the removal of the name of a listed employer who has not transacted any work for two consecutive years:

Provided that before giving any such direction, the Board shall give the employer an opportunity of showing cause why the proposed direction should not be issued.

(7) Notwithstanding anything contained in this clause, the following clauses of persons shall not be eligible for being listed as employers under this Scheme, namely:—

(a) persons who are not citizens of India;

(b) firms, one or more partners of which is or are not citizen or citizens of India; and

(c) companies the majority of the shareholders whereof are not citizens of India.”;

(8) in clause 9A, after sub-clause (2), the following sub-clause shall be inserted, namely:—

“(3) (a) Workers shall be employed in shifts;

(b) A worker shall not ordinarily be employed in two consecutive shifts on each of two successive days. In no case, shall a worker be employed in three consecutive shifts;

(c) A worker in the pool shall not be employed for more than 8 shifts in a week;

(d) In special circumstances, the Chairman may relax temporarily the restrictions under item (c) to the extent necessary;

(e) Workers working in more shifts than one in a day shall be entitled to the normal rate of wages for work in each shift;

(f) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.”;

(9) for clause 10, the following clause shall be substituted, namely:—

“10. **Medical Examination** —(1) A new worker before listing shall undergo, at the cost of the Administrative Body, a medical examination for physical fitness by a Medical Officer, nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be fixed from time to time in this behalf, for examination by a Medical Board. On receipt of such a request the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to listing.

(2) If the Administrative Body deems it necessary, a worker shall undergo at the cost of the Administrative Body a medical examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final.

If a worker is found unfit by the Medical Board, the Chairman shall terminate his services forthwith.”;

(10) after clause 10 E, the following clause shall be inserted, namely:—

“10 **F. Listed Workers' Welfare Fund** —Cost of amenities, welfare and health measures and recreation facilities, for listed workers shall be met from a separate fund called the Listed Workers Welfare Fund which shall be maintained by the Board. Contributions to this Fund shall be made by all listed employers at such rates as may be determined by the Board. The Board shall frame rules for contribution to, maintenance and operation of the Fund.”;

(11) in clause 11,—

(i) for sub-clause (2), the following sub-clause shall be substituted, namely:—

“(2) Every listed employer shall pay to the Board such levies and administrative charges as may be fixed by the Board from time to time under clause 4 A(f).”;

(ii) for sub-clause (5), the following sub-clause shall be substituted, namely:—

“(5) A listed employer shall pay to the Administrative Body in such manner and at such times as the Chairman may direct the amount payable by way of levies, administrative charges and other charges under sub-clause (2) and gross wages due to the listed dock workers.”;

(iii) after sub-clause (7), the following sub-clauses shall be inserted, namely:—

“(8) A listed employer shall, on demand make a payment to the Administrative Body by way of deposit or provide such other security for the due payment of the amount referred to in sub-clauses (2) and (5) as the Board may consider necessary.

Failure to make such deposits within the time fixed by the Chairman or failure to recoup it within the time allowed by the Chairman or Deputy Chairman shall result in stoppage of supply of labour to the employer concerned.

(9) A listed employer who is in arrears of levies or other charges payable to the Administrative Body or the Board under this Scheme shall be liable to be proceeded against by the Board in a court of law.”;

(12) for clause 11 A, the following clause shall be substituted, namely:—

“11A. **Suspension of supply of listed workers.** If a listed employer fails to make the payment due from him under sub-clause (2) or sub-clause (5) of clause 11 or any other amount due and payable to the Board in any other capacity or account within such time as may be prescribed by the Administrative Body, the Deputy Chairman the Chairman or the Board, the Administrative Body shall serve a notice on the employer to the effect that unless he pays his dues within three days of the receipt of the notice, the supply of listed workers to him shall be suspended. On the expiry of the period of notice, the Administrative Body shall suspend the supply of listed workers to the defaulting employer until he pays his dues.

11. **B. Consequences of suspension of supply of listed workers**—Whenever the suspension of supply of listed workers is effected in accordance with clause 11A, the financial liabilities arising therefrom in relation to the workers concerned shall be to the account of the defaulting employer or employers concerned. The amount due to the Administrative Body or to the Board on account of this liability shall also be recoverable from the employer or employers concerned in the same manner as other dues and charges payable under this Scheme.”.

[No. 53/1/70/P & D.]

V. SANKRALINGAM, Under Secy.

नई दिल्ली 7 नवम्बर, 1972

का० प्रा० 3847.—यतः मद्रास अरजिस्ट्रीकृत डाक कर्मकार (नियोजन तथा विनियमन) स्कीम, 1957 में और संशोधन करने के लिये एक स्कीम का प्रारंभ, डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (i) द्वारा यथाअपेक्षित, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 9 मई 1970 के पृष्ठ 2234-2240 पर भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 1676 तारीख 25 अप्रैल, 1970 के अन्तर्गत उनसे संभाव्यतः प्रभावित होने वाले सभी व्यक्तियों से 30 मई, 1970 तक आशेष या मुद्दाय आश्रित करने हुए प्रकाशित किया गया था ;

और यतः उक्त राजपत्र जनता को 9 मई, 1970 को उपलब्ध करा दिया गया था ;

और यतः उक्त प्रारूप के बारे में जनता से प्राप्त आशेषों और मुद्दायों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है ;

अतः, अब, उक्त अधिनियम की धारा 4 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में और संशोधन करने के लिए एतद्वारा निम्नलिखित स्कीम बनाती है, अर्थात्:—

1. इस स्कीम का नाम मद्रास अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) संशोधन, स्कीम, 1972 है।
2. मद्रास अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में:—

- (1) खण्ड 1 में उपखण्ड (2) में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात्:—

“परन्तु यह स्कीम किसी डाक कर्मकार या नियोजक को तब तक लागू नहीं होगी जब तक कि उसे इस स्कीम के अधीन इस प्रकार सूचीकृत न किया गया हो।”

- (2) खण्ड 4 को उस खण्ड के उपखण्ड (1) के रूप में पुनः संख्याकृत किया जाएगा और इस प्रकार यथा पुनः संख्याकृत उपखण्ड (1) में, —

- (i) मद (छ और ज), मद (ट) और (ठ) के रूप में पुनर्गठन की जाएगी:—

- (ii) मद (ड०ड०) और (च) के स्थान पर, निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात्:—

“(च) सूचीकृत कर्मकारों के प्रशिक्षण और कल्याण के लिए व्यवस्था करना, जिसमें चिकित्सा प्रसुविधाएं भी हैं, जहां तक ऐसी व्यवस्था इस स्कीम के अलावा विद्यमान नहीं है।”

- (छ) तुरन्त और किरायेती रूप से जलयानों के आवागमन और पत्तन में से माल के शीघ्र अभिवहन के प्रयोजन को सुकर बनाने के लिए, सूचीकृत कर्मकार का पर्याप्त प्रदाय और सम्पूर्ण और उचित उपयोग सुनिश्चित करना ;

- (ज) सूचीकृत कर्मकारों की स्कीम से भर्ती और प्रवेश का विनियमन और उससे उनका उन्मोचन करना और पूल में सूचीकृत कर्मकारों कर्मकारों का सूचीकृत नियोजकों को आर्बटन करना ;

- (झ) सूचीकृत कर्मकारों के ऐसे रजिस्टर या अभिलेख जो आवश्यक हो, समय-समय पर रखना, समायोजित करना और बनाए रखना जिनमें सूचीकृत ऐसे कर्मकारों के रजिस्टर या अभिलेख भी सम्मिलित हैं जो अस्थायी तौर पर डाक के काम के लिए

उपलब्ध नहीं हैं और जिनकी अनुपस्थिति प्रशासनिक निकाय द्वारा अनुमोदित की गई है और जहां परिस्थितियां इस प्रकार अपेक्षा करें वहीं, किसी सूचीकृत कर्मकार का, या तो उससे अपने अनुरोध पर या स्कीम के उपबन्धों के अनुसार नाम हटाना।”

(ब) स्कीम के व्ययों के बाबत सूचीकृत नियोजकों के अभिदायों का उद्ग्रहण करना और वसूल करना ;”

(iii) निम्नलिखित मदें, मद (ड) के पश्चात् अन्तस्थापित की जाएंगी:—

“(ड) ऐसे स्थानों में, जहां सूचीकृत कर्मकार नियुक्त किए गए हैं, वहां, स्वास्थ्य और सुरक्षा उपायों की व्यवस्था करना, जहां तक ऐसी व्यवस्था, इस स्कीम के अलावा, विद्यमान नहीं है ;

(इ) सूचीकृत कर्मकार कल्याण निधि को बनाए रखना और उसका प्रशासन करना और सभी सूचीकृत नियोजकों से निधि के ऐसे नियमों के अनुसार निधि हेतु अभिदायों की वसूली करना, जो इस स्कीम के अधीन बनाए जाएंगे ;

(ण) पूल में सूचीकृत कर्मकारों के लिए भविष्य निधि और उपदान निधि बनाए रखना और उसका प्रशासन करना ;

(प) उधार लेना या धन इकट्ठा करना और चिबचर या अन्य प्रतिभूतियां निकालना और किसी ऋण या बाध्यता को सुनिश्चित करने के प्रयोजन के लिये, बोर्ड को सभी सम्पत्ति या उसका कोई भाग बन्धक में रखना या भारित करना।”

(ख) पुनः संख्याकृत के उपखण्ड (i) के पश्चात् निम्नलिखित उप-खण्ड अन्तस्थापित किए जाएंगे, अर्थात्:—

“(2) स्कीम के प्रवर्तन के लागत और इस स्कीम के अधीन की सभी प्राप्तियों और व्ययों के बोर्ड उचित लेखे रखवाएगा।

(3) बोर्ड —

(i) प्रत्येक वर्ष में अप्रैल के प्रथम दिन के पश्चात् यथाशक्यशीघ्र और उस वर्ष के अक्टूबर के 31वें दिन के पश्चात् 31 मार्च को समाप्त होने वाले पूर्ववर्ती वर्ष के दौरान संपरिक्षित तुलन पत्र के साथ इस स्कीम के कार्य की वार्षिक रिपोर्ट और ;

(ii) बोर्ड के अधिवेशन की कार्यवाहियों की प्रतियां, केन्द्रीय सरकार को भेजेगा।”

3. खण्ड 4 के पश्चात् निम्नलिखित खंडों की अन्तस्थापित किया जायेगा, अर्थात्:—

“4क. बोर्ड को निधि का प्रार्थनापत्र बोर्ड को किसी भी स्रोत से व्ययभ्र आय और सम्पत्ति एकत्रित इस स्कीम के उद्देश्य हेतु लगाई जायेगी जिसमें सूचीकृत कर्मकारों के लिये स्वास्थ्य सुरक्षा प्रशिक्षण और कल्याण के लिये उपाय सम्मिलित होंगे (जिनमें सूचीकृत कर्मकारों और बोर्ड के कर्मचारिवृत्त के अन्तः फायदे के लिये बनाई गई सोसाइटियों को उधार के अनुदान द्वारा या अन्यथा सहायता भी सम्मिलित है) और उसका कोई भी भाग प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से लाभांश बोनस या बोर्ड के सदस्यों को फायदे के रूप में अन्यथा सदस्य या अन्तर्गत नहीं किया जायेगा परन्तु इसमें कोई भी बात बोर्ड के किसी अधिकारी या सेवक को या बोर्ड को वास्तविक रूप से दी गई किसी सेवा के बदले में बोर्ड के किसी सदस्य को उचित और समुचित परिश्रमिक और व्यय के संदाय को रोक नहीं सकेगी न ही उधार लिये गये धन पर उचित दर से व्याज के संदाय को या बोर्ड के किसी सदस्य द्वारा पट्टे पर या किराये पर लिये गये परिसर के लिये उचित और और समुचित भाडों के संदाय को रोक सकेगी न ही बोर्ड और

प्रशासनिक निकाय के कर्मचारिवृन्द के लिये कल्याणकारी उपायों पर उपगत होने वाले किसी व्यय को, यदि कोई हो, रोक सकेगी।”

“4कक. अधिवेशनसब बोर्ड के उत्तरदायित्व और कर्तव्य :—अधिवेशनसब बोर्ड नीति के सभी मामलों के माध्यम व्यवहार करने के लिये उत्तरदायी होगा और विशिष्टतया—

- (क) विभिन्न प्रवर्ग के अधीन सूचीकृत किये जाने वाले डाक कर्मचारियों की संख्या नियम करेगा ;
- (ख) रजिस्टर या अभिलेख में समय समय पर किसी प्रवर्ग में कर्मचारियों की संख्या इस प्रकार बतायेगा या बटायेगा, जैसा रजिस्ट्रारों और पूर्वानुमानित आवश्यकताओं के किसी कालिक पुनर्विलोकन के पश्चात् आवश्यक हो ;
- (ग) अध्यक्ष को सिफारिशों पर नये नियोजकों को सूचीगत करने पर विचार करेगा ;
- (घ) इस स्कीम के अधीन रखे जाने के लिये अपेक्षित प्रवर्गों, अभिलेखों, रजिस्ट्रारों विवरणियों और तत्समान को नियत करेगा ;
- (ङ) डाक कर्मकार सेवा के लिये मजदूरी, भत्ते और अन्य शर्तें अवधारित करेगा और वार्षिक पुनर्विलोकन के पश्चात् किसी मास में प्रत्याभूत न्यूनतम मजदूरियों को नियत करेगा ;
- (च) उपग्रहणों प्रशासनिक और अन्य प्रभारों की वर नियत करेगा ;
- (छ) डाक कर्मकार कल्याण निधि में सूचीकृत नियोजकों द्वारा दिये जाने वाले अभिव्यय की वर नियत करेगा ;
- (ज) खण्ड 7 के अधीन समितियों को नियुक्ति विघटन या पुनर्गठन करेगा ;
- (झ) वार्षिक बजट को मंजूरी देगा ;
- (झ) भत्ते को छोड़कर जिनका अधिकतम वेतन प्रति मास एक हजार रुपये से अधिक है ऐसे पदों के सृजन को मंजूरी देगा और ऐसे पदों पर नियुक्तियों करेगा ;
- (ट) अधिनियम की अनुसूची में परिवर्तन सम्बन्धी सिफारिशों केन्द्रीय सरकार को करेगा ;
- (ठ) इस स्कीम में किसी उपान्तरण सम्बन्धी सिफारिशों केन्द्रीय सरकार को करेगा।
- (ड) विवादों को सुलझाने का प्रयास करेगा जिनके बारे में सम्बन्धित पक्षकारों द्वारा केन्द्रीय सरकार को न्याय-निर्णयन के लिये अनुरोध किया गया है और ऐसा प्रयास के परिणामों को रिपोर्ट केन्द्रीय सरकार को देगा ;
- (ढ) श्रमिकों के उत्पादन के आंकड़ों पर चर्चा करेगा और अपने संरक्षण और निदेश अभिलिखित करेगा ; और
- (ण) ऐसे अनुसूचित क्षेत्रों में, जिनके बारे में, वह निदेश दे, खाते खोलने और ऐसे खातों के ऐसे व्यक्तियों द्वारा जैसा बोर्ड समय समय पर निदेश दे प्रवर्तन के लिये मंजूरी देगा।”

4. खण्ड 5 में—(i) उपखण्ड (1) में मद (ग) और (घ) के स्थान पर निम्नलिखित मर्बे प्रतिस्थापित की जायेगी अर्थात्—

“(ग) प्रशासनिक निकाय के कामकाज का पर्यवेक्षण करना और नियंत्रण करना और यदि उसके द्वारा किन्हु अनि-

यमितताओं का पता चल गया हो या उनके ध्यान में उन्हें लाया गया हो, तो उपयुक्त [कदम उठाना ;

(घ) यह सुनिश्चित करना कि कर्मचारियों के स्थानान्तरण और प्रोन्नति के बारे में स्कीम के उपबन्ध कार्यान्वित किये गये हैं ;

(ङ) जब आवश्यक हो चिकित्सा बोर्डों का गठन करना ;

(च) यह सुनिश्चित करना कि इस स्कीम के अधीन विहित सभी प्रवर्गों, रजिस्ट्रारों, विवरणियों और दस्तावेजों को उचित रूप से रखा गया है ;

(छ) भत्तों को छोड़कर जिनके अधिकतम वेतन प्रति मास 500 रु० तक हैं ऐसे पदों का सृजन करना और पदों पर नियुक्त करना ;

(ज) सूचीकृत कर्मचारियों और सूचीकृत नियोजकों के प्रति इस स्कीम के उपबन्धों के अनुसार अनुशासनिक कार्यवाही करना ;

(झ) ‘धीमे काम’ की स्थिति की घोषणा करना और इस स्कीम के अधीन यथा प्राधिकृत कार्यवाही करना ;

(झ) आपात स्थिति की घोषणा करना और इस स्कीम के अधीन यथा प्राधिकृत कार्यवाही करना ;

(ट) डाक कर्मकार (नियोजन का विनियमन) नियम, 1962 के नियम 5 के अधीन, जब आवश्यक हो, केन्द्रीय सरकार को रिपोर्ट करना ;

(ठ) खण्ड 15 और 16 के अधीन अपोलों में कार्यवाही करना ; और

(ड) इस स्कीम के अधीन अध्यक्ष में विनिर्दिष्ट रूप से निहित सभी अन्य कर्तव्यों और उत्तरदायित्वों का निर्वाहन करना”

(ii) उपखण्ड (2) में—(क) मद (क) के स्थान पर निम्नलिखित मर्बे प्रतिस्थापित की जायेगी अर्थात् :—

(क) उ० खण्ड के मर्बे (ङ), (छ), (ज), (घ), (ज), (ट), (ठ) और (ड) को छोड़कर उपखण्ड (1) के अधीन अपने कृत्य में से किसी को उपाध्यक्ष को प्रत्यायोजित करना।

(ख) निम्नलिखित परन्तुक अन्त में जोड़ा जायेगा, अर्थात् :—
“परन्तु उपाध्यक्ष को कृत्यों का मर्बे क के अधीन प्रत्येयोजन उपखण्ड (1) के अधीन अध्यक्ष को अपनी शक्तियों से विनिर्हित नहीं करेगा।”

5. खण्ड 6, 6क और खण्ड 6ख के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जायेगा, अर्थात् :—

“6. उपाध्यक्ष और कार्मिक अधिकारी के उत्तरदायित्व और कर्तव्य :—

(1) उपाध्यक्ष, अध्यक्ष को, उसके कृत्यों में निर्बहन में सहायता करेगा और विशिष्टतया :—

(क) खण्ड 14 के अधीन जहाँ तक अनुज्ञान है वहाँ तक सूचीकृत नियोजकों और सूचीकृत कर्मचारियों के प्रति अनुशासनिक कार्यवाही से संबंधित सभी कृत्यों का निर्बहन करेगा ;

(ख) बोर्ड को समितियों के अध्यक्ष के रूप में कृत्य करेगा जिसके लिये उसे मदस्य के रूप में नामनिर्दिष्ट किया जा सकेगा ;

(ग) प्रशासनिक निकाय के कृत्यों को क्रियान्वित करेगा यदि खण्ड 6 क के अधीन नियुक्त कोई प्रशासनिक निकाय न हो, और

(घ) ऐसे अन्य कृत्यों का प्रयोग करेगा, जो उसे अध्यक्ष द्वारा प्रत्यायोजित किये गये हैं।

(2) कामिक अधिकारी, उपाध्यक्ष के, कर्तव्यों के निर्वहन में, साधारणतः उसकी सहायता करेगा और विशिष्टतया ऐसे कर्तव्यों का पालन करेगा जो उपाध्यक्ष द्वारा उसे प्रत्यायोजित किये जायें और विशिष्टतया खण्ड 14 के अधीन उसमें निहित कृत्य को क्रियान्वित करेगा।"

6क प्रशासनिक निकाय. (1) केन्द्रीय सरकार, राजस्व में अधिसूचना द्वारा किसी ऐसे संगम या निकाय को नियुक्त करेगी, जो सूचीकृत कर्मचारियों के ऐसे नियोजकों को मिलाकर बनाया गया है, जिन्हें 'केन्द्रीय सरकार, इस निमित्त, स्कीम के अधीन उन्हें सौंपे गए कृत्यों को क्रियान्वित करने के प्रयोजनों के लिये प्रशासनिक निकाय के रूप में नाम निर्दिष्ट करे। यदि कोई ऐसा प्रशासनिक निकाय के नियुक्त नहीं किया गया है तो, उपाध्यक्ष प्रशासनिक निकाय के कृत्यों को क्रियान्वित करेगा।

(2) प्रशासनिक निकाय, बोर्ड, अध्यक्ष और उपाध्यक्ष के पर्यवेक्षण और नियन्त्रण के अधीन रहते हुए और खण्ड 14 के उपबन्धों के अधीन कहते हुए इस स्कीम का दैनिक प्रशासन क्रियान्वित करेगा।

(3) केन्द्रीय सरकार प्रत्येक हेतुक के आधार पर, उपनियम (1) के अधीन नियुक्त किसी प्रशासनिक निकाय को प्रतिष्ठित कर सकेगी ;

परन्तु प्रशासनिक निकाय को तब तक प्रतिष्ठित नहीं किया जायगा, जब तक उसे सुनवाई का समेचित अवसर न दिया गया हो,

6ख प्रशासनिक निकाय के कृत्य :—बोर्ड की शक्तियों और कृत्यों पर प्रतिकूल प्रभाव डाले बिना अध्यक्ष और उपाध्यक्ष प्रशासनिक निकाय इस स्कीम के प्रशासन के लिये और विशिष्टतया निम्नलिखित के लिये उत्तरदाई होंगे—

(क) सूचीकृत नियोजकों की सूची रखना, उसका समायोजन करना और उससे बनाये रखना, उसमें किसी सूचीकृत नियोजक का नाम प्रविष्टि यापुनः प्रविष्टि करना और जहां परिस्थितियों इस प्रकार अपेक्षित करती हैं, सूची के किसी सूचीकृत नियोजक का नाम या तो उसके अपने अनुरोध पर या इस स्कीम के उपबन्धों के अनुसार हटाना ;

(ख) सूचीकृत कर्मचारियों को, समय समय पर, ऐसी सूचियों, रजिस्टरों या अभिलेखों को, जो आवश्यक हो, रखना, समायोजित करना और बनाये रखना जिनमें ऐसे सूचीकृत कर्मचारों की, जो भ्रष्टाचार रूप से हाक काम के लिये उपलब्ध नहीं हो और जिनकी अनुपस्थिति प्रशासनिक निकाय द्वारा अनुमोदित की गई है और अहां परिस्थितियां इस प्रकार अपेक्षित करती हैं, किसी रजिस्टर, सूची या अभिलेख से, किसी सूचीकृत कर्मकार का, या तो उसके अपने अनुसार पर या इस स्कीम के उपबन्धों के अनुसार, नाम हटाना ;

(ग) उपलब्ध सूचीकृत कर्मचारों का नियोजन और नियंत्रण जब वे अन्यथा इस स्कीम के अनुसार नियोजित नहीं हों ;

(घ) खण्ड 9(क) के अधीन गठित पूर्णों में ऐसे सूचीकृत कर्मकार का आबंधन, जो सूचीकृत नियोजकों को काम के लिये उपलब्ध हो और इस प्रयोजन के लिये प्रशासनिक निकाय—

(i) नियोजक के लिये अधिकर्ता के रूप में कार्य करता है, यह समझा जायेगा ;

(ii) प्रत्येक पूल में सूचीकृत का पूर्ण रूप से उपभोग करेगा ;

(iii) सूचीकृत कर्मचारों के मांग-अर्जों पर या नियंत्रण, स्थलों पर हाजिरी का अभिलेख रखेगा ;

(iv) नियोजन और अर्जों के अभिलेखों को बनाने रखने के लिये व्यवस्था करेगा ;

(v) खण्ड 9क के उपखण्ड 3क के अनुसार सूचीकृत कर्मचारों का आबंधन करेगा ;

(vi) पूल में सूचीकृत कर्मचारों को हाजिरी और मजदूरी कार्डों में आवश्यक प्रविष्टियां करेगा ;

(ङ) (i) उद्ग्रहणों, प्रशासनिक और अन्य प्रभारों, सूचीकृत कर्मकार कल्याण निधि को अभिदाय का संग्रहण ;

(ii) भविष्य निधि, बीमा निधि या किसी अन्य निधि में, जो इस स्कीम के अधीन गठित की जाये, सूचीकृत कर्मचारों के अभिदाय का संग्रहण ;

(iii) सूचीकृत नियोजक के अधिकर्ता के रूप में प्रत्येक सूचीकृत कर्मकार को नियोजक से कर्मकार को उचित रूप से बाध्य सभी अर्जों का संवाय और स्कीम के उपबन्धों के अनुसार इन कर्मचारों को बोर्ड द्वारा संदेय सभी धन का ऐसे कर्मचारों को संदाय ;

(च) बजट व्यवस्था के अधीन रहते हुए और अध्यक्ष को मंजूरी और अनुमोदन से ऐसे अधिकारियों और सेवकों की नियुक्ति करना जो समय समय पर आवश्यक हो ;

(छ) कर्मचारों के प्रशिक्षण के लिये व्यवस्था करना, जो वह आवश्यक समझें ;

(ज) इस स्कीम के प्रवर्तन की लागत और उसके अधीन सभी प्राप्तियों और व्यय के उचित लेखों को रखना और "बोर्ड की वार्षिक रिपोर्ट और संपरिक्षित तुलनपत्र बनाना और उन्हें बोर्ड के समक्ष प्रस्तुत करना।

(झ) प्रति वर्ष बजट बनाना, प्रत्येक वर्ष फरवरी की 15 तारीख को या उसके पूर्व उसे बोर्ड के समक्ष प्रस्तुत करना और बोर्ड से उसका अनुमोदन लेना ;

(ञ) अनुसूची के अन्तर्गत आने वाले सूचीकृत कर्मचारों के पूर्ण सेवाभिलेखों को रखना ; और

(ट) ऐसे अन्य कृत्य करना, जो समय समय पर और इस स्कीम के उपबन्धों के अधीन रहते हुए, बोर्ड, अध्यक्ष या उपाध्यक्ष द्वारा उसे सौंपे जायें।"

6ख. वार्षिक प्राक्कलन:—अध्यक्ष, प्रत्येक वर्ष में फरवरी की समाप्ति से पूर्व हुए किसी विशेष अधिवेशन में, बोर्ड के समक्ष खण्ड 6 ख के अधीन प्रगले प्रगले के प्रथम दिन को प्रारम्भ होने वाले वर्ष के लिए ऐसे व्यौरों और प्रकृत में प्रशासनिक निकाय से यथा प्राप्त वार्षिक बजट को रखेगा, जिसे बोर्ड समय समय पर विहित करे। बोर्ड इस प्रकार उसे प्रस्तुत प्राक्कलन पर विचार करेगा और उसके प्रस्तुत करने के 4 सप्ताहों के भीतर, उसे या तो बिना परिवर्तन के या ऐसे परिवर्तनों के अधीन रहते हुये, जो वह ठीक समझे, मंजुरी देगा।”

6. खण्ड 6-ग में, निम्नलिखित को, अन्त में जोड़ा जायेगा, अर्थात्:—

“और विधिस्तया खण्ड 14 के अधीन उसमें विहित कृत्यों को क्रिया-न्वित करेगा।”

7. खण्ड 8 में, उपखण्ड (5) के पश्चात्, निम्नलिखित उपखण्ड अन्तः स्थापित किये जायेंगे, अर्थात्:—

“(6) इस स्कीम के किसी अन्य उपबन्ध के होते हुये भी, अधिवेशन बोर्ड ऐसे सूचीकृत नियोजक का नाम हटाने के लिये निवेदन दे सकेगा, जिसने लगातार 2 वर्ष तक कोई काम नहीं किया है:

परन्तु ऐसा निवेदन देने के पूर्व, बोर्ड नियोजक को प्रस्तावित निवेदन क्यों न जारी किया जाये इसका हेतुक दलित करने का अवसर देगा।

(7) इस खण्ड में किसी बात के होते हुये भी, निम्नलिखित व्यक्ति-बर्ग इस स्कीम के अधीन, नियोजकों के रूप में, सूचीकृत किये जाने के लिये पात्र नहीं होंगे, अर्थात्:—

- (क) ऐसे व्यक्ति, जो भारत के नागरिक नहीं हैं;
- (ख) ऐसी फर्म, जिनका एक या अधिक भागीदार भारत का/के नागरिक नहीं हैं/हैं;
- (ग) ऐसी कम्पनियां, जिनकी धन-धारकों (सेयर-होल्डरों) की बहुसंख्या भारत के नागरिक नहीं हैं।”

8. खण्ड 9क में, उपखण्ड (2) के पश्चात् निम्नलिखित उपखण्ड अन्तःस्थापित किया जायेगा, अर्थात्:—

- “(3) (क) कर्मकार पारी में काम पर लगाये जायेंगे;
- (ख) कोई कर्मकार, मासुसी तौर पर दो अनुक्रमिक दिनों में प्रत्येक दिन दो क्रमवर्ती पारियों में काम पर नहीं लगाया जायेगा; किसी भी मामले में, किसी कर्मकार को तीन लगातार पारियों में काम पर नहीं लगाया जायेगा;
- (ग) पूल का कोई कर्मकार, किसी सप्ताह में 8 पारियों से अधिक के लिये काम पर नहीं लगाया जायेगा;
- (घ) विशेष परिस्थितियों में, अध्यक्ष, सब (ग) के अधीन निर्बंधन आवश्यक विस्तार तक अस्थाई रूप से क्षितिज कर सकेगा;
- (ङ) किसी एक दिन में एक से अधिक पारियों में काम करने वाले कर्मकार, प्रत्येक पारी में काम के लिये मजदूरियों की प्रसामान्य दर के हकदार होंगे;

(च) जहां, किसी टोसी (गैंग) द्वारा काम किया जाता है, वहां कर्मकारों का वक्तानुक्रम के अनुसार आइटम टोसी (गैंग) द्वारा होगा।”

9. खण्ड 10 के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जायेगा, अर्थात्:—

“10. स्वास्थ्य परीक्षा:—(1) सूचीगत करने के पूर्व, प्रशासनिक निकाय के खर्च पर, वार्षिक योग्यता के लिये अध्यक्ष द्वारा इस प्रयोजन के लिये नामनिर्दिष्ट किसी चिकित्सा अधिकारी द्वारा किसी नये कर्मकार की स्वास्थ्य परीक्षा की जायेगी। चिकित्सा अधिकारी द्वारा स्वास्थ्य की दृष्टि से अयोग्य पाया गया कोई कर्मकार, अध्यक्ष को लिखित में आवेदन कर सकेगा और साथ ही साथ उसके पास ऐसी फीस जमा कर सकेगा जो समय समय पर इस निमित्त चिकित्सा बोर्ड द्वारा परीक्षा के लिये नियत की जाये। ऐसे किसी अनुरोध की प्राप्ति पर अध्यक्ष एक चिकित्सा बोर्ड गठित करेगा। चिकित्सा बोर्ड का विनिश्चय अन्तिम होगा। और कोई कर्मकार, जो स्वास्थ्य की दृष्टि से अयोग्य है, सूचीगत होने का हकदार नहीं होगा।

(2) यदि प्रशासनिक निकाय यह आवश्यक समझता हो तो, किसी कर्मकार को प्रशासनिक निकाय के खर्च पर अध्यक्ष द्वारा गठित किये जाने वाले किसी चिकित्सा बोर्ड द्वारा, स्वास्थ्य परीक्षा की जायेगी, परीक्षा बोर्ड का विनिश्चय अन्तिम होगा यदि कोई कर्मकार चिकित्सा बोर्ड द्वारा अयोग्य पाया गया हो तो, अध्यक्ष तत्काल उसकी सेवायें समाप्त करेगा।”

10. खण्ड 10 ड के पश्चात्, निम्नलिखित खण्ड अन्तःस्थापित किये जायेगा, अर्थात्:—“10ख. सूचीकार डाक कर्मकार कामाच-निधि:—

सूचीकृत कर्मकारों के लिये सुख-सुविधाओं, कल्याण, स्वास्थ्य उपायों और आमोच-प्रमोच सम्बन्धी सुविधाओं का खर्चा सूचीकृत कर्मकार, कल्याण निधि कहे जाने वाले किसी पृथक निधि से किया जायेगा, जो बोर्ड द्वारा बनाये रखा जायेगा। इस निधि में अभिदाय सभी सूचीकृत नियोजकों द्वारा, ऐसी दरों पर किये जायेंगे जैसा बोर्ड अवधारित करे। बोर्ड, निधि में अभिदाय के लिये, उसको बनाये रखने और उसके प्रवर्तन के लिये नियम बनायेगा।”

11. खण्ड 11 में, (i) उपखण्ड (2) के स्थान पर, निम्नलिखित उपखण्ड प्रतिस्थापित किया जायेगा, अर्थात्:—

“(2) प्रत्येक सूचीकृत नियोजक बोर्ड को ऐसे उद्ग्रहणों और प्रशासनिक प्रभारों का संघाय करेगा, जो खण्ड 4(क) (च) के अधीन समय समय पर बोर्ड द्वारा नियत किये जायें।”

(ii) उपखण्ड (5) के स्थान पर, निम्नलिखित उपखण्ड प्रतिस्थापित किया जायेगा, अर्थात्:—

“(5) सूचीकृत नियोजक प्रशासनिक निकाय को, ऐसी रीति में, और ऐसे समयों पर, जैसा अध्यक्ष निवेदन दे, उद्ग्रहणों, प्रशासनिक प्रभारों और उपखण्ड (2) के अधीन अन्य प्रभारों, और सूचीकृत डाक कर्मकारों को शोध्य सकल मजदूरियों का संघाय करेगा।”

(iii) उपखण्ड (7) के पश्चात् निम्नलिखित उपखण्ड अन्तःस्थापित किया जायेगा, अर्थात्:—

“(8) सूचीकृत नियोजक, मांग पर, प्रशासनिक निकाय को निवेदन के रूप में संघाय करेगा या उपखण्ड (2) और (5) में निर्दिष्ट

रकम के सम्यक् संदाय के लिये ऐसी अन्य प्रतिभूति की व्यवस्था करेगा, जो बोर्ड आवश्यक समझे।

अध्यक्ष द्वारा नियत समय के भीतर ऐसे निषेध न करने या उसके अध्यक्ष या उपाध्यक्ष द्वारा अनुष्ठान समय के भीतर पूर्ति न करने का परिणाम संबंध नियोजक को श्रमिक की आपूर्ति बन्द करने में होगा।

- (9) कोई सूचीकृत नियोजक जो प्रशासनिक निकाय या बोर्ड को इस स्कीम के अधीन संदेय उपग्रहणों या अन्य प्रभारों को बकाया में है, बोर्ड द्वारा किसी न्यायालय में कार्रवाई का दाई होगा।”

12. खण्ड 11 क के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जायेगा, अर्थात्:—“11क. सूचीकृत कर्मकारी की आपूर्ति का निलम्बन:— यदि कोई सूचीकृत नियोजक, खण्ड 11 के उपखण्ड (2) या उपखण्ड (5) के अधीन उससे शोध्य संदाय का या किसी अन्य हैसियत या लेखा मंडे बोर्ड को शोध्य और वेम अन्य रकम का भुगतान ऐसे समय के भीतर, जो प्रशासनिक निकाय, अध्यक्ष, उपाध्यक्ष, बोर्ड द्वारा विहित किया जाये, करने में असफल रहता है, तो प्रशासनिक निकाय उस नियोजक को इस आशय

की सूचना तत्पश्चात् करेगा कि जब तक वह सूचना की प्राप्ति की तारीख से 3 दिन के भीतर अपनी शोध्य रकम का भुगतान नहीं कर देता, जब तक उसे कोई जाने वाली सूचीकृत कर्मकारों की आपूर्ति निलम्बित कर दी जायेगी। सूचना कारा-वधि के अवसान पर, प्रशासनिक निकाय व्यक्ति कर्मों को नयोजक, सूचीकृत कर्मकारों को आपूर्ति, तब तक के लिये निलम्बित कर देगा, जब तक वह शोध्य रकम का भुगतान नहीं कर देता।”

11क. सूचीकृत कर्मकारों की आपूर्ति के निलम्बन के परिणाम

उपरोक्त खण्ड 11क के अनुसार जब कभी सूचीकृत कर्मकारों की आपूर्ति का निलम्बन किया जाता है, संबंध कर्मकारों के बारे में उससे उद्धृत वित्तीय दायित्व सम्बन्ध व्यक्ति कर्मों नियोजक का नियोजनों के भदे होगा। इस दायित्व के भदे प्रशासनिक निकाय या बोर्ड को शोध्य रकम, सम्बन्ध नियोजक या नियोजकों से उसी रीति में वसूली होगी, जैसा इस स्कीम के अधीन संदेय अन्य शोध्य रकम और प्रभार हैं।”

[सं० 59/1/70 पी० प्री० डी०]

डी० शंकरनिगम, अवध नक्षि

